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City and County of San Francisco



Residential Rent Stabilization and Arbitration Board

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 5, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

SF
252
2
1/5/82

I. Call to Order

President Flynn called the meeting to order at 5:40 p.m.

II. Roll Call

DOCUMENTS DEPT.

1/8 1982

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Commissioners Present: Anderson; Saunders; Flynn;
Alternates: Fung; Chinchilla
Commissioners not Present: Alviar; Baird
Alternates: Duggan; Payne
Staff Present: Hernandez; O'Hearn

Commissioner Duggan appeared on the record at 6:00 p.m.

Commissioner Herctor Chinchilla recently was appointed and sworn by Mayor Feinstein as Tenant Member Alternate for Commissioner Anderson.

III. Approval of Minutes

MSC: To approve the minutes of December 29, 1981, as proofread. (Saunders/Anderson: 3-0.)

IV. Consideration of Appeals

A. 1332- 6th Ave.

Landlord appealed the Hearing Officer's decision which denied a rent increase over the guideline. The appeal claimed that Landlord was not represented at the hearing due to administrative error in his office, and therefore unable to submit evidence of capital improvement costs which would substantiate the requested rent increase.

MSC: To deny this appeal. (Anderson/Saunders: 3-0.)

B. 1070 Page St.

Landlord appealed the Hearing Officer's decision which denied any rent increase due to a previous rent increase being imposed less than 12 months earlier. The appeal contends that the rent is not being increased, but that the amount paid to Tenant for services rendered is being decreased. Landlord also claimed he did not receive notice of an additional hearing nor any evidence. However, both the Hearing Officer's and Tenant's attorney's response to the appeal noted that Landlord stated that the tenant should just present the evidence and the Hearing Officer should render a decision.

A faint, light-colored watermark of a classical building with four columns and a pediment is visible in the background.

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MSC: To accept the case on the record, except as to the issue of Tenant's base rent, and schedule an appeal hearing before the full Board. (Saunders/Anderson: 3-0.)

C. 3352- 23rd St.

Landlord appealed the Hearing Officer's decision which affirmed the amount of rent increase agreed to by Tenant and allowed a reduction in rent due to Landlord's withdrawal of water and garbage services. The appeal claimed that Tenant's petition was not timely filed and that the rent is below that of comparable units.

MSC: To deny this appeal. (Saunders/Anderson: 3-0.)

D. 1275 California St. Apts. 3, 4, and 5

Landlord appealed the Hearing Officer's decision which denied rent increases exceeding the guidelines. The appeal contends that the requested increase was sought on the basis of comparables. Further, Landlord claimed he was unable to submit evidence, as requested, relating to the seller's purchase price because of illness and he was denied an extension of time. However, the record and the Hearing Officer's comments note that an extension had been granted.

MSC: To deny this appeal. (Saunders/Anderson: 3-0.)

E. 1395 Golden Gate Ave. #403

Tenant appealed the Hearing Officer's decision which denied the Tenant's petition and upheld both a prior agreement dated March 20, 1981 between Landlord and Tenant and a prior Rent Board decision dated June 17, 1981 concerning the allowable amount of utility pass-through for this building. Tenant's appeal claimed that she did not attend the recent hearing due to late notification and that her prior agreement with Landlord should be voided because it was based on incorrect calculation.

MSC: To deny this appeal. (Anderson/Saunders: 4-0.)

V. Approval of Decision on Appeal

A. 402 Haight St. #2

At last week's meeting, the Board voted to vacate the Hearing Officer's decision, which was appealed by the landlords, and to allow the requested rent increase. The Board reviewed a Rent Decision on Appeal and President Flynn noted some corrections.

MSC: To approve this appeal decision, as corrected. (Duggan/Saunders: 4-0.)

VI. Appeal Hearing

A. 3068- 24th St. #1

Both parties and their attorneys appeared for this hearing de novo scheduled by the Board after its acceptance of Landlord's appeal. The hearing commenced at 6:22 p.m. Issues included whether there was a rent increase, allegation of harassment and wrongful eviction. Both parties testified, as well as witnesses for the landlord. The hearing terminated at 8:00 p.m.

The Board later discussed a decision on this appeal. The Board determined there is no rent increase as no written notice had been given by the landlord, although Tenants claimed Landlord verbally demanded a rent increase. The Board also noted the lack of credibility on both sides.

MSC: 1) To vacate the Hearing Officer's decision;
 2) that there is no effective rent increase; and
 3) in that Landlord's actions appear retaliatory,
 there is a likelihood of an attempted wrong-
 ful eviction. (Duggan/Anderson: 3-1, Flynn
 dissenting.)

VII. Communications

A. The President and other Commissioners received a letter dated January 5, 1982 from Affordable Housing Alliance requesting that the public hearing on proposed amendments to Board Rule and Regulations be held in abeyance until the Board of Supervisors can act on pending proposed Ordinance amendments.

VIII. Remarks from the Public

Michael Harney, a representative of Affordable Housing Alliance who signed the above letter, was present to reiterate the above request. The Board commented that there was no assurance that the Board of Supervisors would act on Ordinance amendments on January 19, 1982. Further, the Rent Board's public hearing being held the same date as the Board of Supervisor's committee hearing could encourage people to attend the Rent Board meeting following attendance at the Board of Supervisors meeting.

IX. Director's Report

A. Mayor Feinstein recently appointed Robert Curran, a Rent Board Hearing Officer, to serve as the neutral member alternate on the Rent Board. Swearing in for this position is scheduled January 20, 1982.

B. The Executive Director will participate in an open forum discussion by Bay Area rent board officials on January 11, 1982, to be aired by radio KQED.

X. Old Business

The Board reviewed draft language in amendment format for proposed amendments to Rule and Regulation 6.10. The Board also reviewed and revised the Notice of Public Hearing on such amendments.

XI. Calendar Items

The public hearing will be scheduled on January 19, 1982.

The appeal hearing for 1070 Page Street will be scheduled on January 26, 1982.

XII. Adjournment

President Flynn adjourned the meeting at 9:37 p.m.

1/6/82:ap

City and County of San Francisco

Residential Rent Stabilization and
Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 12, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

DOCUMENTS DEPT.

I. Call to Order

President Flynn called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar; Anderson; Baird; Flynn; Saunders;

Alternate: Duggan

Commissioners not Present: Alternates: Chinchilla; Fung; Payne.

Staff Present: Hernandez; O'Hearn

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III. Approval of Minutes

MSC: To approve the minutes of January 5, 1982.
(Saunders/Anderson: 5-0.)

IV. Consideration of Appeals

A. 1921 Oak St. #4

Tenant appealed the Hearing Officer's decision which granted an increase over the guideline on the basis of comparables, limited to the Consumer Price Index percentage of 31.5 percent - the increase in the CPI since the tenant's previous increase. In addition, the Hearing Officer granted an increase due to capital improvement costs. The appeal claims error in 1) consideration of comparables because code violations have existed a long time, and 2) determination of capital improvement costs which benefitted Tenant and which Landlord failed to verify. Also, hardship is claimed by Tenant, as well as Landlord's failure to perform requested repairs and maintenance.

MSC: To accept the case de novo for hearing before the full Board. (Saunders/Alviar: 4-1, Flynn dissenting.)

B. 649 Ashbury St.

Landlord appealed the Hearing Officer's decision rendered pursuant to Landlord's petition. The decision granted an increase due to increased debt service/comparables and an additional increase due to capital improvement costs. Landlord's appeal claims the increase insufficient. Although Landlord did not inform Tenant of the rent increase by 30-day written notice in compliance with California Civil Code, and subsequent to filing the petition, he complains the increase was not granted retroactively.

MSC: To deny this appeal. (Saunders/Anderson: 5-0.)

C. 530 Lake St., Apts. 2, 9, 10, 11 and 12

Landlord appealed two related decisions by the same Hearing Officer. Both decisions were rendered pursuant to Landlord's filing two petitions for groups of separate units in the same building. Tenant petitions also had been filed in these cases. The decision regarding apts. 9, 10, and 12 granted increases 1) due to comparables, limited to the CPI percentage (14%) from the date of the last increases, and 2) due to capital improvement costs. The Hearing Officer allowed these increases effective October 1, 1981, the date which Landlord filed the petition.

The decision regarding apartments 2 and 11 did not grant increases due to comparables. Capital improvement costs allowed could be passed on 30 days after notice subsequent to Landlord's filing the petition or the rent increase anniversary date upon 30 days prior written notice.

Both decisions denied other rent increases sought on the basis of Landlord's inheritance tax obligations. The appeal claims Landlord is not getting a fair return.

MSW: To deny this appeal and remand the case for technical correction on the effective date of increases for apartments 9, 10 and 12. (Saunders/Alviar)

MSC: To accept the appeal and remand the case to the same Hearing Officer for technical correction on the effective date of increases for apts. 9, 10, and 12 and for hearing and reconsideration on the issue of comparables as to apartments 2 and 11. (Saunders/Alviar: 5-0.)

D. 382-A Noe St.

Tenant appealed the Hearing Officer's decision which granted an increase due to capital improvement costs, in addition to the guideline increase. Tenant's appeal complains that the increases imposed for the last two years both exceeded the guidelines.

MSC: To accept the appeal and remand the case to the same Hearing Officer with instructions to discriminate between costs for repairs and for capital improvements which must materially add to the value of the property. (Alviar/Anderson: 5-0.)

V. Approval of Decision on Appeal

A. 3068- 24th St. #1

The Board discussed the Decision on Appeal for this case heard and decided at the last Board meeting.

MSC: To approve the written decision, as corrected.
(Anderson/Saunders: 5-0.)

VI. Communications

The Director received copies of three separate letters regarding union matters.

VII. Director's Report

The Executive Director reported the following:

- A. The Office of Community Development staff at the Rent Board interviewed and hired a new clerk typist, Le Nhi Nhanh.
- B. The Rent Board is distributing its question/answer pamphlet on the Rent Ordinance.
- C. Proposals on Commercial Rent Control will be considered by the Board of Supervisors on January 18, 1982
- D. Supervisor Britt's proposed amendments to the Residential Rent Ordinance will be printed tomorrow and considered by the Planning, Housing and Development Committee on January 19, 1982, along with other proposed amendments.
- E. Only one law clerk remains on Rent Board staff.
- F. The Director requested guidance from the Board regarding payment to Hearing Officers for services on cases remanded to them for technical corrections and on cases which involve more time and difficulty in reviewing evidence and rendering a decision. The Board determined that cases on remand for corrections would not entitle Hearing Officers to payment for services unless new testimony was taken. The Board declined to establish any policy as to other cases.

VIII. Appeal Hearing

A. 3070 California St. Apts. 103 and 203

The Board heard this case de novo on Landlord's appeal of the Hearing Officer's decision. That decision denied any increase over the guidelines and found that Landlord failed to establish significant comparables or prove any other justification. Landlord's appeal claimed hardship due to imposition of inheritance taxes as a result of his wife's death in November 1980. Therefore, this was the main issue considered during the de novo appeal hearing. Both parties were present, as well as Landlord's attorney, and submitted evidence and testimony. The hearing terminated at 7:00 p.m. The Board then debated the decision on appeal.

MSC: That hardship exists on the part of the landlord and that rents be established at \$350/month, effective February 1, 1982. (Saunders/Flynn: 3-2, Alviar and Anderson dissenting.)

IX. Old Business

A. Annual Report

An editorial meeting is scheduled on January 14, 1982 and a final draft is expected to be submitted for Commissioner approval next week.

B. The Board approved a Memorandum to Hearing Officers requesting their comments on conflict of interest issues, which the Board will consider during its meeting on January 26, 1982.

X. New Business

The Executive Director participated in a 1 and a half hour call-in show on radio KQED. Other participants were representatives of other Bay Area Rent Boards.

Commissioner Duggan requested some type of case information reference on agendas for hearings scheduled before the Board. The Board accepted staff suggestion that the date on which the Board accepted the appeal for hearing be included in parenthesis following the address listed for hearing on the agenda.

XI. Calendar Items

Public Hearing on Proposed Amendments to Board Rule and Regulation 6.10 is scheduled for the Board's next meeting on January 19, 1982.

The case accepted during this meeting for a de novo hearing will be scheduled during the first February meeting. Another appeal hearing is scheduled for the January 26, 1982 meeting.

XII. Remarks from the Public

Tenants of 3070 California St. remained at the meeting following their appeal hearing and Board decision on their case and asked questions of the Board regarding their tenancy and terms proposed by their landlord. The Board was unable to offer specific advice.

XIII. Adjournment

President Flynn adjourned the meeting at 7:45 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 19, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

SF
252
12
1/19/82

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

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1/19/82

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II. Roll Call

Commissioners Present: Alviar; Anderson; Flynn; Saunders;

Alternates: Fung; Payne

Commissioners not Present: Baird;

Alternates: Chinchilla; Duggan

Staff Present:

O'Hearn

Commissioner Baird appeared on the record at 5:35 p.m. Commissioner Payne left the meeting at the same time and returned at 6:55.

Commissioner Duggan attended the meeting at 6:30 p.m. Executive Director Hernandez also attended at that time, as well as staff member Richard Vitrano.

Commissioner Saunders left the meeting at 7:55 p.m. and thereafter Commissioner Payne appeared on the record.

III. Approval of Minutes

MSC: To approve the minutes of January 12, 1982
as corrected. (Saunders/Alviar: 4-0.)

IV. Consideration of Appeals

A. 30 Gardenside Dr.

Tenant appealed the Hearing Officer's decision on remand pursuant to Landlord's appeal of a prior decision on this case by another Hearing Officer. The issue on remand concerned increased operating and maintenance costs. The remand decision allowed such costs which had exceeded the applicable Consumer Price Index (CPI) percentage of 9.6%. This appeal contested 1) the CPI percentage used 2) the allocation of capital improvement costs which had been claimed as operating (repair) costs by the landlord, and 3) the utility pass-through ordered in the previous decision and upheld by the Board.

MSC: To deny this appeal. (Saunders/Anderson: 4-0.)

B. 6236- 3rd St. #3

Tenant appealed the Hearing Officer's decision which granted the requested increase exceeding the guidelines after a determination

that the unit is not subject to the Ordinance due to the owner-occupancy provision. Tenant's appeal claimed her evidence was not given full consideration and that Landlord did not submit sufficient proof of residency.

MSC: To deny this appeal. (Alviar/Anderson: 5-0.)

C. 1600 Golden Gate Ave. #4

Tenant appealed the Hearing Officer's decision regarding the allowable utility pass-through. The appeal complained of insufficient heat. However, the decision found that Tenant had not met her burden of proof in this regard.

MSC: To deny this appeal. (Anderson/Alviar: 5-0.)

V. Approval of Decision on Appeal

A. 3070 California St., apts. 103 and 203

During last week's meeting, the Board held a de novo hearing on this case and subsequently voted on a decision to grant the requested increases and find that hardship exists for Landlord. In reviewing a written decision, Commissioner Baird noted that he approved the result by consideration of Landlord's inheritance taxes as increased operating expenses, rather than by consideration of Landlord's claimed hardship.

MSC: To approve this Decision on Appeal. (Saunders/Baird: 4-1, Anderson dissenting.)

VI. Old Business

A. Annual Report

A new draft has been typed and will be distributed, after proofreading and final corrections, to the Commissioners prior to next week's Board meeting.

VII. Communications

A. The Board received a letter from an attorney, Daniel Buchalter, dated January 11, 1982. He requested the Board to issue a ruling and to revise the Rules and Regulations in order to require tenants to pay guideline increases after the filing of a landlord's petition. Upon inquiry, staff noted that this situation does not present problems in that the Rules (section 5.11) require that landlord petitions be filed prior to giving notice of the rent increase. In most cases, formal notice of the rent increase is not given until after the Hearing Officer's decision on the landlord's petition. Further, if the landlord does give notice prior to the decision, the tenant may file a petition also and therefore be

entitled to withhold payment of the increase exceeding the guideline, pending the decision

The Board decided not to take any action on this issue at this time.

- B. The Board received a copy of a letter to Robert Curran from Mayor Feinstein regarding her appointment of him as the Alternate Neutral Member of the Board. The swearing-in date is January 20, 1982.
- C. The Director and the President received a letter dated January 14, 1982 from the attorney for the landlord of 755-795 Burnett Ave. On January 5, 1982 the case was remanded to the Hearing Officer for technical corrections in accordance with the Board's determination of landlord's appeal on December 29, 1981. The letter complained that the decision on remand had not yet been issued. President Flynn requested that the case be scheduled on next week's agenda if the decision is not sent out by then.
- D. The Director and the President received another letter on January 18, 1982 from the landlord of 3201 Washington St. who complains of delays of the hearing and of the rendering of the decision regarding his property.

The Board also received a letter on January 19, 1982 from the attorney for the landlord of 750 Parnassus Ave., who had not yet received the Hearing Officer's decision regarding that property.

- E. The Board received a copy of a letter and attachments from Old St. Mary's Housing Committee to Supervisor Molinari. The letter urged support of certain proposed amendments to the Ordinance.

VIII. Public Hearing

At 6:40 the Board commenced Public Hearing on proposed amendments to Board Rule and Regulation 6.10. Comments were provided by the following persons, some of whom additionally submitted written comments.

Michael Harney, representing the Affordable Housing Alliance;
Ruth Astle, a Rent Board Hearing Officer;
Joe Lacey, from Old St. Mary's Housing Committee;
Paul Wartelle, an attorney with San Francisco Neighborhood Legal Assistance Foundation;
Steve Rosenthal, a private attorney who represents landlords in matters before the Rent Board;
Tom Garber, a property owner; and
Delene Wolf, a Rent Board Hearing Officer

Herb Schwartz, a Rent Board Hearing Officer, submitted written comments. Another Hearing Officer, Robert Sheppard, provided some comments after the hearing.

Most comments centered on proposed provisions that, except in extraordinary circumstances, no rent increase shall be justified which 1) is greater than 30 percent of a tenant's rent, or 2) causes a tenant's rent to exceed 75 percent of the Consumer Price Index percentage until June 1979 and seven percent prorated thereafter, or 3) exceeds comparable rents in the same general area. Another consideration is the proposal of including debt service with operating and maintenance expenses. Commenters sought clarification on various items, especially those related to comparable rent. The hearing terminated at about 8:40 p.m.

At the conclusion of the hearing, the Board members discussed individual thoughts on the proposed amendments. The issue will be scheduled on next week's agenda for further discussion.

IX. Remarks from the Public

Following the Public Hearing, other people present during the hearing added general comments regarding the Rent Board and its procedures.

X. Director's Report

The Executive Director reported briefly on the Board of Supervisors Committee hearings on proposed amendments to the Rent Ordinance. Hearing commenced earlier the same day and were continuing during the Rent Board's own meeting and public hearing.

The Director also noted the current shortage of staff to handle the numerous public request to the Rent Board.

XI. Calendar Items

An appeal hearing is scheduled for next week's Board meeting. Also scheduled is Board consideration of its policy towards conflict of interest matters concerning Hearing Officers.

XII. Adjournment

President Flynn adjourned the meeting at 8:55 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, January 26, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

SF
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#2
1/26/82

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I. Call to Order

President Flynn called the meeting to order at 5:25 p.m.

II. Roll Call

Commissioners Present: Anderson; Flynn;
Alternates: Chinchilla; Curran; Duggan; Fung;
Payne
Commissioners not Present: Alviar; Baird; Saunders
Staff Present: Hernandez; O'Hearn

Commissioner Baird appeared on the record at 5:40 p.m. Commissioner Saunders appeared on the record at 6:20 p.m.

Commissioner Curran was sworn in on January 20, 1982 as the Alternate Neutral Member of the Board.

III. Approval of Minutes

MSC: To approve the minutes of January 19, 1982.
(Curran/Duggan: 5-0.)

IV. Consideration of Appeals

A. 12 De Long St.

Landlord appealed the Hearing Officer's decision regarding Tenant's claim of lack of repairs and decreased services. The Hearing Officer ordered a seven percent rent reduction until Landlord restores heat and maintenance services. The appeal claims that the Rent Board lacks jurisdiction to consider Tenant's complaints and that the Hearing Officer erred in admitting certain evidence and in disallowing other evidence over objection by Landlord's counsel.

MSC: To deny this appeal. (Anderson/Curran: 5-0.)

B. 246 McAllister St.

Landlord submitted a petition for reconsideration of the Board's prior action on Landlord's appeal of the Hearing Officer's decision on this case. On December 29, 1981, the Board considered Landlord's appeal and voted to remand the case on the record to the same Hearing Officer for technical corrections as to applicable guideline increases. Landlord's petition for reconsideration requests an appeal hearing on the remand. He claims that the Board's failure to schedule a hearing for the technical corrections ordered denies him of his constitutional rights.

The Board noted that its form for Notice of Action on Appeal may not be technically perfect. An action to remand for corrections is considered an acceptance of the appeal, and at the same time a denial of any issues, other than those ordered corrected, raised on appeal. However, the Board does not construe such action as requiring a hearing.

MSC: To take no action on Landlord's Petition for Reconsideration. (Curran/Anderson: 5-0.)

The Board directed staff to send written notice of its determination on this case to the parties.

V. Communications

- A. The Board received a copy of the August 1981 Rand Report on The Impact of Rent Control on the Los Angeles Housing Market.
- B. The Board also received the housing component of San Francisco's master plan prepared for the state. This component, dated January 1982, is a comprehensive planning basis for public programs and private actions in the residential aspects of the city's preservation and development.
- C. The Board has received copies of the 138 letters to the mayor regarding extension of the Rent Ordinance. Approximately 132 letters are in support of extension and 3 or 4 are opposed.

VI. Director's Report

The Executive Director had no matters to report to the Board at this meeting.

VII. Old Business

- A. President Flynn requested the status of decisions for cases brought to the Board's attention last week due to delays. Staff noted that all three decisions had been rendered by the Hearing Officers and sent to the parties.
- B. Proposed amendments to Rule 6.10

President Flynn and Commissioner Duggan collaborated on changes to the draft amendments to Rule 6.10: references to thirty percent increases were deleted.

Commissioner Payne submitted written comments recommending 1) that debt service should not be combined with other operating and maintenance costs and 2) that the Consumer Price Index (C.P.I.) escalator method for computation of comparables should not be adopted.

During discussion of operating and maintenance costs, the Board noted problems in obtaining accurate evidence. During discussion of proposed amendments, the Board confirmed the purpose of the proposed amendments. One purpose is to provide an objective measure of comparables in that 75% of the C.P.I. could be a gauge in determining what the rent possibly should be. Another purpose is to resolve how to deal with increased debt service where there is a change in ownership, other than due to a recent purchase.

The Board also reflected on public testimony regarding the proposed amendments heard during last week's Board meeting. The Board decided it should determine whether or not to take any action on the proposed amendments. The Director noted that Board discussion on such amendments began in March 1981 at his suggestion for an alternative method of determining comparable rent. The Board decided to consider the issue at its next meeting in order to come to some conclusion.

C. Annual Report

A final draft of the Rent Board's Annual Report was submitted to the Commissioners. Commissioner Anderson proposed some corrections.

MSC: To delegate final authority for approval of the Report to President Flynn subsequent to receipt of any further comments from the Commissioners by January 29, 1982. (Baird/Saunders: 5-0.)

D. Hearing Officer Conflict of Interest

The Board began review of its current policy towards conflict of interest matters concerning Hearing Officers. Subsequent to Board request to all Hearing Officers for comments on this issue, the Board received written comments from three Hearing Officers: Jerome Fishkin; Martin Lerner; and David Castanon-Hill. Another Hearing Officer, Ruth Astle, appeared at this meeting to present oral comments to the Board. She provided factual examples of conflict problems as to 1) appearance of impropriety and 2) client confidentiality vs. disclosure duties.

The Board decided to schedule further discussion next week, at which time Commissioner Curran will submit a draft policy on this issue.

VIII. Appeal Hearing

A. 1070 Page St. #3

After some delay in awaiting the arrival of Tenant's counsel, this hearing commenced at 7:40 p.m. The Board accepted Landlord's appeal on January 5, 1982 for determination of the amount of Tenant's base rent. All other issues were limited to the record before the Hearing

Officer. Landlord argued that Tenant's rent included a \$50/month rent reduction Landlord had allowed Tenant for minor maintenance of the property. Tenant's attorney argued that Landlord's reduction of the amount from \$50 to \$30, effective August 1, 1981 constituted a rent increase. Effective June 1, 1981, Landlord had given a seven percent increase and effective February 1, 1982, Landlord would end any rent reduction pursuant to his request for discontinuance of Tenant's maintenance duties.

Board discussion followed termination of the hearing at 8:00 p.m. The Board considered the issue of the employment agreement between the parties and determined that such agreement was separate from the issue of rent. The Board further noted that past rent increases in this case did not exceed the guidelines of the Ordinance.

MSC: To establish that

- 1) Tenant's base rent is \$348/month, effective June 1, 1981,
- 2) Tenant owes \$20 per month rent for the months of August 1981 through January 1982 (totaling \$120),
- 3) unless otherwise agreed to by the parties, Tenant shall pay the arrearage of this sum in the amount of \$20 per month for the next six months, and
- 4) Tenant shall begin paying the sum of \$348/month rent on February 1, 1982. (Baird/Saunders: 4-0.)

IX. Calendar Items

Another appeal hearing is scheduled during next week's Board meeting.

X. Remarks from the Public

Norman Rolf commented on proposed amendments to Rule 6.10. In regards to comparables, he requested the Board to use the lower figures presented in cases.

XI. Adjournment

President Flynn adjourned the meeting at 8:25 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 2, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

***** DOCUMENTS DEPT. *****

I. Call to Order

1 PM 8 10/82

Vice-President Saunders called the meeting to order at 5:35 p.m. *LIBRARY*

II. Roll Call

Commissioners Present: Alviar; Anderson; Baird; Saunders;

Alternates: Chinchilla; Curran; Fung

Commissioners not Present:

Flynn; Alternates; Duggan; Payne

Staff Present:

Hernandez; O'Hearn

III. Approval of Minutes

MSC: To approve the minutes of January 26, 1982.
(Baird/Fung: 5-0.)

IV. Consideration of Appeals

A. 1121 Green St.

Landlord appealed the Hearing Officer's decision which granted a guideline increase and additional capital improvement costs.

Neither Landlord nor representative were present at the hearing, but a letter was submitted prior to the hearing contesting Board jurisdiction due to late filing of Tenant's petition. The appeal contested both jurisdiction and untimely notice of hearing, and additionally noted that rent was below market due to a special lease agreement. The Hearing Officer and Tenant's attorney were present at the meeting and responded to questions by the Board.

MSC: To deny this appeal. (Baird/Anderson: 5-0.)

B. 921 Dolores St., apts. 1, 2, 6, 8, 10, 11

Landlord appealed the Hearing Officer's decision rendered on Landlord's petition and which allowed increases based upon comparables. The appeal claimed that the comparable amount was determined too low and that increased operating and maintenance expenses, which exceeded comparables, were disallowed. The appeal also contested the lack of a specific amount granted for variable rate mortgage and the inclusion of PG&E pass-through with the base rent for some of the apartments. The Hearing Officer, as well as Landlord and his representative, were present at the meeting and submitted comments to the Board.

MSC: To deny this appeal. (Baird/Anderson: 5-0.)

C. 51 and 57 Sycamore St.

Landlord appealed the Hearing Officer's decision which denied increases in excess of the guidelines. At issue at the hearing and on appeal is whether a separate agreement existed between the parties for a rent subsidy in exchange for employment.

MSC: To excuse Commissioner Alviar from consideration of this appeal. (Fung/Anderson: 5-0.)

MSC: To deny this appeal. (Baird/Fung: 5-0.)

V. Approval of Decision on Appeal

A. 1070 Page St. #3

As staff was unable to draft the Board's decision on this appeal, the Board will postpone its approval of a written decision until next week's Board meeting.

B. 246 McAllister St.

At last week's Board meeting, this case was considered as to Landlord's Petition for Reconsideration of the Board's earlier determination on December 29, 1981. At that time the Board considered Landlord's appeal of the Hearing Officer's decision and voted to remand the case to the Hearing Officer for technical corrections. After voting to take no action on Landlord's Petition for Reconsideration, the Board directed staff to send written notice of this determination to the parties.

At this meeting the Executive Director submitted the written notice to be sent to the parties in order for the Board to review and comment. Commissioner Baird noted that the Board's determination to take no action, unlike a denial, could be construed legally to mean that the Board had not made a final determination on the reconsideration petition.

MSC: To table this matter for one week in order to discuss it further before sending the written notice. (Baird/Saunders: 5-0.)

VI. Communications

The Executive Director notified the Board that it has received copies of numerous letters to the Mayor regarding the Rent Ordinance.

VII. Director's Report

The Executive Director reported that the Board of Supervisors Planning, Housing and Development Committee will hold a special hearing on February 4, 1982 in order to consider various amendments to the Rent Ordinance.

The Director also reported that staff found that during the month of January 1982 twenty-five (25) percent of the tenants who filed Reports of Alleged Wrongful Eviction had also previously filed Petitions for Arbitration of Rent Increases.

VIII. Old Business

A. Proposed Amendments to Rule 6.10

The Director submitted re-draft language for Rule 6.10 amendments. Also Commissioner Curran submitted a written discussion draft of Rule 6.10(a). In order to review the materials, the Board decided to postpone further discussion until next week's meeting.

B. Hearing Officer conflict of interest matters

Commissioner Curran submitted a written discussion draft of a Hearing Officers Code of Professional Conduct. The Board decided to postpone further discussion of this issue until next week's meeting.

IX. Appeal Hearing

A. 1921 Oak St. #4

On January 12, 1982 the Board voted to accept this appeal and schedule a de novo hearing. Notice of hearing on this date was sent to the parties on January 13, 1982. On January 27, 1982, Landlord filed a request for postponement of the hearing due to an employment conflict on this date.

Neither party appeared at the Board meeting for the scheduled hearing.

MSC: To grant the postponement requested and re-schedule the appeal hearing. (Alviar/Anderson: 5-0.)

X. Calendar Items

The Director requested the Board to consider not scheduling a meeting on February 16, 1982. On that date, the Director will be attending the Board of Supervisors meeting to consider amendments to the Rent Ordinance.

XI. Adjournment

Vice-President Flynn adjourned the meeting at 6:55 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 9, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

Vice-President Saunders called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar; Anderson; Baird; Saunders
Alternates: Chinchilla; Curran; Duggan;

Payne;

Commissioners not Present: Flynn;

Alternate: Fung

Staff Present:

Hernandez; O'Hearn

President Flynn appeared on the record at 5:39 p.m. Commissioner Fung appeared at the meeting at 5:43 p.m.

III. Approval of Minutes

MSC: To approve the minutes of February 2, 1982,
as corrected. (Alviar/Saunders: 4-0.)

IV. Consideration of Appeals

A. 147 Crown Terrace #8

Landlord appealed the Hearing Officer's decision which allowed a reduction in rent based on reduction of services (storage facilities), in addition to granting a guideline increase and small increase due to capital improvements. The decision also denied a proposed increase due to increased debt service/comparables and due to increased operating and maintenance expenses based on Landlord's lack of evidence. The appeal contests the reduction in services as well as the capital improvement costs. Landlord's appeal also complains that other increases, based on increased operating and maintenance expenses, debt service and PG&E pass-through, should have been granted.

MSC: To accept the appeal and remand the case to a new Hearing Officer for a new hearing. (Alviar/Anderson: 5-0.)

B. 130 Lake St. #7

Tenant appealed the Hearing Officer's decision dated July 22, 1981 and amended on October 19, 1981 by remand pursuant to Landlord's original appeal filed August 7, 1981. The remand decision concerned

only apartments 5, 6, and 11. Tenant's appeal contends that the rent allowed for her unit should not be more than that allowed for apartment 11, which, unlike her apartment, includes a garage space.

MSC: To deny this appeal. (Anderson/Saunders: 5-0.)

C. One Toledo Way, apts. 4, 5, 6, 7, 9 and 11

Landlord appealed the Hearing Officer's decision which denied any rent increases until Landlord has remedied conditions applicable under state law regarding habitability of the premises. Landlord sought increases over the guidelines on the basis of comparable rents. The decision allowed for guideline increases only after Landlord's completion of necessary work. The appeal claims that Landlord's evidence of comparable rents was not adequately rebutted by Tenants and that the findings regarding claimed statutory defects were in error.

MSC: To deny this appeal. (Saunders/Baird: 4-1, Flynn dissenting.)

D. 2100 Nothpoint, apts. 104, 105, 201, 203, 301, 302, 303 and 304

Landlord appealed the Hearing Officer's decision which denied increases over the guideline on the basis that Tenants had rebutted Landlord's claim that their rents are significantly lower than those of comparable units in the same general area. The appeal disputed this conclusion, as well as other findings in the decision.

MSC: To deny this appeal. (Saunders/Anderson: 5-0.)

V. Consideration of Board Determination

A. 246 McAllister St.

On December 29, 1981 the Board voted to remand this case to the original Hearing Officer in order to correct the findings as to the appropriate guideline increases under the Ordinance. On January 20, 1982, Landlord-Appellant filed a Petition for Reconsideration. Also at that time, the Board directed staff to send written notice of this determination to the parties. Upon review of the notice at the Board's last meeting on February 2, 1982, the Board voted to further discuss the matters at this meeting before sending the written notice.

MSC: To vacate the Board's prior determination and to deny Landlord's Petition for Reconsideration.

VI. Approval of Decision on Appeal

A. 1070 Page St. #3

The Board voted on this appeal decision on January 26, 1982, following the appeal hearing.

MSC: To approve the written decision on this appeal.
(Anderson/Saunders: 5-0.)

VII. Communications

A. The Board has received printed copies of its Second Annual Report. The Report, accompanied by a letter from President Flynn, will be sent to the members of the Board of Supervisors.

B. The Mayor has forwarded to the Board letters sent to her regarding proposed amendments to the Rent Ordinance. Of the 545 letters and other written communication received by February 8, 1982, the majority are from tenants and are favorable towards the Ordinance.

VIII. Director's Report

The Executive Director reported on a four percent budget cut from the Office of Community Development.

The Director also reported that one of the staff members, Barbara O'Hearn, will be leaving the Board after March 5, 1982.

IX. Old Business

A. Amendments to Board Rule and Regulation 6.10.

The Board discussed new drafts of its proposed amendments. The substance of the proposals at issue during the public hearing on January 19, 1982, remained.

MSC: To adopt Rule 6.10(a), per discussion draft of February 2, 1982, as amended. (Baird/Anderson: 5-0.)

MSC: To adopt the remaining Rule 6.10 provisions, per draft dated February 2, 1982. (Baird/Saunders: 5-0.)

MSC: That the effective date of the Rule 6.10 amendments shall be April 1, 1982. (Baird/Anderson: 5-0.)

B. Hearing Officer conflict of interest

The Board considered the discussion draft of the last meeting on February 2, 1982. Commissioner Saunders proposed some changes which

were discussed by the Board. The Board decided to adopt, as a proposal to the Hearing Officers, the draft Hearing Officer's Code of Professional Conduct, as amended, and directed that the proposal be sent to the Hearing Officers for their comments. The Board will discuss the proposal further at its meeting on March 2, 1982.

X. New Business

The full Board of Supervisors will consider amendments to the Rent Ordinance on February 16, 1982. President Flynn summarized the proposed amendments for brief discussion by the Board.

XI. Calendar Items

MSC: To not hold a Board meeting on February 16, 1982.
(Alviar/Flynn: 5-0.)

XII. Adjournment

President Flynn adjourned the meeting at 7:25 p.m.

2/24/82:ap

City and County of San Francisco

Residential Rent Stabilization and
Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, February 23, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

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I. Call to Order

SAN FRANCISCO
PUBLIC LIBRARY

Vice-President Saunders called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar; Anderson; Saunders;

Alternates: Curran; Duggan; Fung; Payne

Commissioners not Present: Baird; Flynn

Alternate: Chinchilla

Staff Present: O'Hearn

President Flynn appeared on the record at 5:45 p.m.

Commissioner Alviar left the meeting at 7:20 p.m. The Executive Director appeared at the meeting at 6:15 p.m. Staff member Susan Francis appeared at the meeting at 7:25 p.m.

III. Approval of Minutes

MSC: To approve the minutes of February 9, 1982,
as amended. (Alviar/Anderson: 5-0.)

IV. Consideration of Appeals

A. 1600 Beach St. #101

Landlord appealed the Hearing Officer's remand decision rendered pursuant to Landlord's previous appeal of the original decision by a Hearing Officer. This appeal claims that the remand Hearing Officer disqualified herself from the case. The Hearing Officer submitted comments clarifying the fact that she had disclosed her contacts with the parties due to her duties as a Rent Board staff member.

MSC: To deny this appeal. (Duggan/Anderson: 5-0.)

B. 1560 Lombard St.

Landlord appealed the Hearing Officer's decision which allowed a rent reduction due to decreased services as a result of fire-related damage to the unit. The appeal claims that the Rent Board has no jurisdiction in this matter and that the evidence does not support the decision.

MSC: To deny this appeal. (Alviar/Anderson: 5-0.)

C. 1800- 20th Ave. #5

Tenant appealed the Hearing Officer's decision which granted the \$100/month increase requested on the basis of the rental agreement provision regarding an additional occupant. The appeal claims hardship, as well as error by the Hearing Officer.

MSC: To deny this appeal. (Saunders/Duggan: 5-0.)

D. 505 and 509- 5th Ave.

Landlords appealed the Hearing Officer's decision which determined Board jurisdiction on the basis of the Board rule requiring an owner-occupant of a four-or less-unit building to have at least a 50% fee interest in the building. After receipt of the decision and prior to filing this appeal, Landlords recorded a new grant deed indicating a 50% interest for the owner-occupant, and on this basis again claim exemption from the Rent Ordinance.

MSC: To deny this appeal, without prejudice to Landlords' right to renew their claim of exemption at a later date. (Saunders/Anderson: 5-0.)

E. 88 Thrift St.

Landlord-appellant's attorney confirmed to staff that this case has been settled and the appeal would be withdrawn.

F. 680 Sutter St.

Landlord appealed the Hearing Officer's remand decision rendered pursuant to Landlord's previous appeal of the original decision, on which the Board had ordered a technical correction. President Flynn suggested postponement of further Board consideration in order to discuss the case outside the Hearing Officer's presence and to allow more time for review of this lengthy appeal.

MSC: To postpone consideration of this appeal for one week. (Alviar/Duggan: 5-0.)

G. 3318 A- 16th St.

Tenant appealed the stipulation entered by the Hearing Officer and signed by both Tenant and Landlord. Tenant's petition which resulted in this stipulation had claimed Landlord's violation of a previous stipulation entered September 1980. Additionally, Tenant had filed another prior petition in June 1982 to re-open the first case. Tenant claims the Hearing Officer and Landlords forced him to sign the stipulation which does not resolve his claim that Landlord violated the prior stipulation.

MSC: To accept the appeal and remand the case for a new hearing before another Hearing Officer.
(Saunders/Anderson: 5-0.)

H. 765 - 795 Burnett St.

Landlord appealed the remand decision of the Hearing Officer rendered pursuant to Landlord's previous appeal of the original decision, on which the Board had ordered a technical correction. This appeal requests another amended decision or an appeal hearing before the Board, on the basis of errors in the case. Landlord claims he is entitled to the 7 percent rent increases disallowed by the Hearing Officer on the basis of Landlord's failure to perform requested repair and maintenance.

MSC: To accept the appeal and schedule an appeal hearing on the record before the full Board.
(Saunders/Alviar: 4-1, Anderson dissenting.)

V. Appeal Hearing

A. 1921 Oak St. #4

The Board commenced its de novo hearing on Tenant's appeal at 6:25 p.m. Both parties and Tenant's representative were present. Issues included Landlord's failure to make requested repairs, and whether Landlord justified capital improvement costs and comparable rents. The Hearing Officer's decision granted a rent increase to \$274.52/month.

Tenant withdrew her prior claim of hardship and offered a proposal to pay \$300/month on condition of Landlord's completion of requested repairs. Landlord stated he could not accept Tenant's offer because the property was subject to foreclosure. He did not refute the need for repairs but stated he could not perform them. The hearing terminated at 7:50 p.m.

The Board discussed the case and noted that the previous increase had been imposed in November 1979. The Consumer Price Index percentage from that date to the present increase imposed in October 1981 is 31½ percent which amounts to a \$63/month increase. Capital improvement costs for roofing and painting amounted to \$11.52. The Hearing Officer's decision allowed these amounts. The record includes a report from the Bureau of Building Inspectors dated October 1981 citing necessary repairs needed.

MSC: To affirm the Hearing Officer's decision.
(Saunders/Flynn: 4-1, Anderson dissenting.)

VI. Communications

The Executive Director received a letter from the tenant at 130 Lake St., whose appeal was denied last week.

President Flynn received an invitation from Joe Lacey of Old St. Mary's Housing Committee to attend their victory party on February 26, 1982.

President Flynn also received a letter from a tenant at 680 Sutter St., whose Landlord's appeal will be considered next week.

Letters forwarded by Mayor Feinstein regarding Rent Ordinance amendments total 270 opposed and 915 in favor of extending and strengthening the Ordinance.

VII. Director's Report

The Executive Director reported on the Board of Supervisors reading of proposed amendments to the Rent Ordinance. The major proposed amendment to the Rent Ordinance which was passed by the Board provides that landlords must file petitions to request any increase over 7 percent in a twelve-month period. However, neither a PG&E pass through nor a capital improvement cost certified by the Real Estate Department are included in the 7 percent or considered as part of a tenant's base rent.

The Board discussed the possible impact of this and other amendments. President Flynn expressed concern regarding cost effectiveness and Board overload. Staff member Susan Francis submitted a memorandum addressed to the Executive Director regarding the proposed amendments to the Ordinance.

VIII. New Business

Commissioner Curran proposed a resolution commending staff member Barbara O'Hearn. The Board agreed to adopt this resolution.

IX. Calendar Items

Per request of two Hearing Officers, the Board agreed to postpone its consideration of Hearing Officer conflict of interest matters until March 9, 1982. The Board previously had scheduled the matter for its March 2, 1982 meeting.

At its next meeting, the Board will discuss how the Rent Ordinance amendments will affect the Board Rules and Regulations.

The appeal hearing regarding Burnett Ave. will be scheduled on March 9, 1982.

X. Adjournment

President Flynn adjourned the meeting at 7:45 p.m.

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISOC RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 2, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

Vice-President Saunders called the meeting to order at 5:45 p.m.

II. Roll Call

Commissioners Present: Alviar; Saunders;
Alternates: Chinchilla; Curran; Duggan;
Fung

Commissioners not Present: Anderson; Baird; Flynn;
Alternate: Payne

Staff Present: Hernandez; O'Hearn

President Flynn appeared on the record at 5:50 p.m. and thereafter presided over the meeting.

Commissioner Anderson appeared at the meeting at 6:45 p.m.

III. Approval of Minutes

MSC: To approve the minutes of February 26, 1982 as corrected. (Alviar/Chinchilla: 5-0.)

IV. Consideration of Appeals

A. 680 Sutter St., apts. 200, 204, 206, 306, 608

Landlord appealed the Hearing Officer's remand decision which effectuated a technical correction on establishing the base rents and checking allowable reductions in base rents. Landlord's current appeal requests further corrections and amendment of the original decision.

Commissioner Curran, who was the Hearing Officer for this case, was excused from Board consideration of this appeal.

MSC: To deny this appeal. (Saunders/Flynn: 5-0.)

B. 3201 Washington St., apts. 11, 15, 16 and 17

Landlord appealed the Hearing Officer's decision which denied guideline increases due to Landlord's failure to perform requested repairs, and granted a utility pass through while denying most of the other requested increases. The appeal claimed error in denial of an increase due to capital improvement costs and interest, variable rate mortgage, and of the guideline increase.

MSC: To accept the appeal and remand the case for a new hearing before a new Hearing Officer.
(Saunders/Chinchilla: 5-0.)

C. 840 California St. #52

One of the tenants affected by this Hearing Officer's decision on Landlord's petition appealed the allowance of an increase to be imposed less than twelve months since the previous increase. The appeal claimed that Landlord did not sufficiently justify the increases granted retroactive to January 1982, and that the Hearing Officer did not abide by procedural Board rules.

MSC: To deny this appeal. (Saunders/Alviar: 5-0.)

D. 1402 Chestnut St. #1

Tenant appealed the Hearing Officer's decision which granted an over-guideline rent increase due to costs of capital improvements and increased operating and maintenance expenses. The appeal contested the 17 percent increase, as well as certain costs claimed by Landlord.

MSC: To deny this appeal. (Duggan/Chinchilla: 5-0.)

E. 96 Crestline Dr. #10

Landlord appealed the Hearing Officer's decision regarding one of four units for which over-guideline rents were granted, and utility pass through overpayments were to be offset. The appeal contests the denial of an additional rent increase based on comparables.

MSC: To deny this appeal. (Saunders/Duggan: 5-0.)

F. 1616 Taylor St. #6

Tenant appealed the Hearing Officer's decision determining that her petition was untimely filed and that she is obligated to pay the rent increase pursuant to the terms of her prior written agreement with Landlord. The appeal claims error in both these respects as the agreement was construed as a waiver of rights under the Ordinance and timeliness was not an issue at the hearing.

MSC: To excuse President Flynn from consideration of this appeal. (Saunders/Duggan: 5-0.)

Commissioner Fung appeared on the record for this appeal consideration. Counsel for both parties were present and summarized their arguments.

MSC: To accept the appeal and schedule an appeal hearing de novo before the full Board.
(Chinchilla/Fung: 5-0.)

The Board also directed counsel to submit written briefs on the issue of the "stipulated agreement" to each other and to the Board by March 17, 1982.

V. Approval of Decision on Appeal

A. 1921 Oak St. #4

The Board heard and decided this case on appeal during its meeting last week. Upon review of the written decision, the Board discussed hardship as a possible factor in deciding this case.

MSC: To approve this appeal decision.
(Saunders/Duggan: 5-0.)

VI. Communications

The Executive Director received a copy of a letter directed to the Real Estate Department from Dr. Bullock, the landlord of 246 McAllister St. The letter concerns the Department's refusal to accept an application for certification of capital improvement rent increases.

VII. Director's Report

The Executive Director reported on a Tenant's petition for arbitration regarding a rent increase for his apartment at Golden Gateway Center, a privately owned unsubsidized project with its mortgage insured by the U. S. Department of Housing and Urban Development. The Director advised the Board that he would be requesting a written opinion from the City Attorney's office as to this building's exemption from the Rent Ordinance on the basis of its rents being controlled or regulated by the federal government.

The Director also reported that the Mayor signed the Rent Ordinance Amendments passed by the Board of Supervisors. As these amendments will be effective April 1, 1982, the Mayor will be requesting notification procedures from the Board.

VIII. New Business

A. Amendments to Rules and Regulations

The Board scheduled a public hearing on proposed rule amendments for March 23, 1982 at 7:00 p.m.

IX. Recession

In order to further discuss rule amendments pursuant to Ordinance amendments, the Board discussed scheduling another meeting on Friday morning.

MSC: To recess this meeting until Friday, March 5, 1982 at 10:00 a.m. at the offices of TRI Realty, 1750 Van Ness Avenue. (Anderson/Alviar: 5-0.)

The Board recessed at 7:35 p.m.

City and County of San Francisco



Residential Rent Stabilization and Arbitration Board

MINUTES OF THE CONTINUED MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Friday, March 5, 1982 at 10:00 a.m. at the offices of TRI Realty, 1750 Van Ness, San Francisco

I. Call to Order

President Flynn called the meeting to order at 10:06 a.m.

II. Roll Call

Commissioners Present: Flynn; Saunders; Alviar; Baird

Alternates: Curran; Fung

Commissioners not Present: Chinchilla; Payne

Staff Present: Hernandez; Francis

Commissioner Anderson appeared on the record at 10:16 a.m. and Commissioner Duggan appeared at 10:35 a.m.

III. New Business

This meeting, a continuation of the regularly scheduled meeting of March 2, 1982, was reconvened in order to discuss amendments to the Rent Ordinance passed by the Board of Supervisors which are to take effect on April 1, 1982. Also discussed were areas of the Board's Rules and Regulations which may have to be changed to make them consistent with the new amendments.

IV. Calendar Items

A. A public hearing is scheduled for March 23, 1982 to consider amendments to the Rules and Regulations.

B. A Hearing Officer training session is planned for Saturday, March 27, 1982.

V. Recession

MSC: To recess this meeting, in order to discuss further the amendments which may be necessary to the Rules and Regulations and continue at its regularly scheduled meeting, Tuesday, March 9, 1982. (Saunders/Anderson: 5-0.)

The Board recessed at 12:10 p.m.

City and County of San Francisco



Residential Rent Stabilization and
Arbitration Board

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 9, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

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I. Call to Order

President Flynn called the meeting to order at 5:36 p.m.

II. Roll Call

Commissioners Present: Flynn; Saunders; Alviar; Anderson; Baird
Alternates: Chinchilla; Payne; Fung;
Curran
Staff Present: Hernandez; Francis

Commissioner Duggan appeared on the record at 6:55 p.m.

III. Approval of Minutes

MSC: To approve the minutes of March 2, 1982.
(Saunders/Baird: 5-0.)

IV. Consideration of Appeals

A. 1930 Hyde St. #8

Landlord's appeal, filed 16 days after the Hearing Officer's decision was mailed, was based on two grounds: (1) The Hearing Officer was biased in that he had rendered decisions in other cases to which this Landlord was a party and (2) the Hearing Officer had abused his discretion by not allowing a rent increase based upon comparable rents.

MSC: To deny this appeal. (Baird/Anderson:5-0.)

B. 491-495 Frederick St.

Landlord appealed the Hearing Officer's decision which denied increases exceeding the guideline amount. The Landlord's original petition was based on an increase in a variable rate mortgage. The Hearing Officer left the record open so that both sides could present evidence of comparable rents. The Landlord submitted no evidence of comparable rents.

MSC: To deny without prejudice to the Landlord to file a petition for an increase to be effective on the anniversary date. (Saunders/Baird: 5-0.)

C. 3584- 18th St. #7

Landlord appealed the Hearing Officer's decision which denied increases exceeding 7 percent based on exterior painting and roof repair.

MSC: To remand to a new Hearing Officer.
(Baird/Flynn: 5-0.)

D. 2910 San Bruno #10

Landlord appealed the Hearing Officer's decision stating that he had not received notice of the hearing, and, that the tenants have not paid rent since November, 1981.

MSC: To deny this appeal. (Alviar/Saunders: 5-0.)

V. Appeal Hearing

A. 765 - 795 Burnett Ave. (accepted 2/23/82)

Landlord's appeal, which was accepted on the record, contained the following issues:

- 1) denial of a guideline increase based on failure to perform ordinary maintenance and repair;
- 2) denial of a rent increase based on capital improvement expenditures;
- 3) comparables.

VI. New Business

A. Hearing Officer Conflict of Interest

The Board considered comments from Hearing Officers regarding policies proposed having to do with Hearing Officer conflict of interest. Present for discussion with the Board were the following Hearing Officers: Martin Lerner, Sue Hestor, Ed Corvi, Ruth Astle, and Nancy Destefanis.

The Board decided to continue its discussion to its regularly scheduled meeting on April 13, 1982. Commissioners Baird and Curran will prepare written recommendations for the Board's consideration.

VII. Old Business

The Board continued its discussion of amendments to the Rules and Regulations in preparation for the public hearing to be held on March 23, 1982.

VIII. Adjournment

The meeting was adjourned at 11:45 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 16, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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MAR 29 1982

SAN FRANCISCO
PUBLIC LIBRARY

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioner Present: Flynn; Alviar; Anderson; Baird
Alternates: Chinchilla; Payne; Curran
Commissioners not Present: Saunders; Duggan; Fung
Staff Present: Hernandez; Francis; Astle

III. Approval of Minutes

MSC: To approve the minutes of March 5, 1982.
(Baird/Alviar: 5-0.)

IV. Consideration of Appeals

A. 602 Mason Street

The landlord appealed the Hearing Officer's decision because he felt the Hearing Officer had incorrectly calculated the allowable PG&E pass-through.

MSC: To deny this appeal. (Payne/Baird: 5-0.)

V. Communications

A. Letter from landlord's attorney, 1616 Taylor Street, Apt. 6, stating that parties had reached a settlement agreement.

VI. Director's Report

A. Ty Mitchel and Barbara O'Hearn have resigned. Joan Kubota and Bill Corman will be employed as counselors under the OCD Program. Delene Wolf, and Deborah Kim will begin work on March 29, 1982. Susan Francis will be switched from the OCD Program to supervise the Hearing Program.

B. The Executive Director is suggesting that a change be made in the system for scheduling Hearing Officers.

C. The Board of Supervisors are considering switching some of the administration of the Rehabilitation Assistance Program to the Rent Board.

VIII. Old Business

A. Decision on Appeal/755-795 Burnett Ave.

MSC: To sustain the Hearing Officer on all items except the denial of the annual 7 percent increase. Tenants are to pay any amounts owing as a result of the Board's decision in three installments; they shall be included with rent payments made subsequent to the receipt of this decision. (Payne/Flynn: 4-1, Baird dissenting.)

MSC: The motion is further amended as to the decrease in rent allowed to tenant Clohset as a result of her replacement of the garage door opener. Tenant shall be entitled to deduct a total amount of \$101.00; any amounts not already deducted shall be deducted from her subsequent rental payment. (Payne/Flynn: 5-0.)

MSF: To amend the motion and reverse the Hearing Officer as to the denial of the amount expended on roof repairs. (Payne/Flynn: 1-4, Payne dissenting.)

B. Golden Gateway

A Tenant Petition for Arbitration was filed based on a rent increase received from Golden Gateway, a Section 220 Project, HUD. The Executive Director, in consultation with the City Attorney determined that the property is exempt from the Rent Ordinance.

VIII. New Business

A. 246 McAllister St.

A letter was received from San Francisco Neighborhood Legal Assistance alleging that Mr. Peter Bullock, the owner of 246 McAllister, has held himself out as a staff-person of the Rent Board in order to gain entry to certain tenants' units.

MSC: That the Board is extremely concerned regarding the allegations set forth in Mr. Wartel's letter, and that this matter be referred to the District Attorney for investigation and possible criminal prosecution. (Baird/Payne: 5-0.)

B. BE IT HEREBY RESOLVED, that the Rent Board acknowledges receipt of Tyrone Mitchel's resignation, and extends their appreciation to him for his services as a staff member of the Rent Board. (Alviar/Baird: 5-0.)

IX. Calendar Items

- A. Public Hearing: Tuesday, March 23, 1982 at 7:00 p.m.
- B. Appeal Hearing: The appeal hearing scheduled for March 23, 1982 (1616 Taylor, Apt. 6) will be taken off calendar as the matter has been settled among the parties.

X. Old Business

The Board discussed changes in the Rules and Regulations in preparation for the Public Hearing.

XI. Adjournment

The Board adjourned its meeting at 10:00 p.m.

3/26/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 23, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Flynn; Alviar; Anderson

BUREAU OF LAND USE
PUBLIC LIBRARY

Alternates: Payne; Chinchilla; Curran;

Fung

Commissioners not Present: Saunders; Duggan

Staff Present: Hernandez; Francis; Astle

Commissioner Baird appeared on the record at 6:10 p.m.

III. Consideration of Appeals

A. 860 Sutter

The landlord appealed the Hearing Officer's decision, which allowed a guideline increase, but gave certain deductions for decreases in services.

MSC: To deny this appeal. (Anderson/Payne: 3-1,
Flynn dissenting.)

B. 2792 Diamond St.

The landlord appealed the Hearing Officer's decision which denied an increase based on capital improvements. The last increase was effective August, 1981.

MSW: To accept the appeal on the record. (Alviar/
Payne)

MSC: To deny this appeal and remand to the same Hearing Officer for technical corrections:

- (1) less than 12 months since the prior increase;
- (2) without prejudicing the landlord to file a petition based on capital improvements.

(Alviar/Anderson: 3-1, Payne dissenting.)

C. 1405 Jackson Street

The landlord appealed the Hearing Officer's decision which stated that the Petitioner was a tenant for purposes of the Rent Ordinance. The Hearing Officer's decision also did not allow a rent increase.

MSC: To accept the appeal de novo. (Payne/Anderson:
4-0.)

D. 1536 Great Highway

The landlord appealed the Hearing Officer's decision which decreased the tenant's rent by \$25.00

MSC: To deny this appeal. (Anderson/Payne:4-0.)

IV. Communications

- A. Memo from Susan Francis to Ricardo Hernandez
- B. Notice of Intended Decision has been received which grants a Writ of Mandate.

V. Director's Report

- A. The Executive Director has hired Jean Kennedy who will handle administrative matters, among others.
- B. The Executive Director is preparing the budget for the next fiscal year.
- C. The training session for new Hearing Officers will be held on Saturday, March 27. Ruth Astle, Ricardo Hernandez, Susan Francis and Bob Curran will be conducting the session. Members of the Rent Board are asked to attend.
- D. The Executive Director is considering changing the Hearing schedule, with a cutback in total Hearing Officers from 70 to 35.

VI. New Business

- A. The mailing of information to landlords and tenants shall be ready by April 15. Bids are being obtained for the work and a format is being developed. A press release will also be prepared.
- B. The staff of the Rent Board were present at the Apartment House Owners Association Workshop held on March 18.
- C. Public Hearing

The Public Hearing commenced at 7:00 p.m. Present as speakers were the following people:

Speakers

1. Ruth Astle, Hearing Officer
2. Michael Harney,
3. Philip Mac Donald, Sr.
4. Joseph Lacey

5. Conrad Breece
6. Joseph Toole
7. Steve Rosenthal
8. John Vos
9. Ms. Tesch
10. Nancy Destefanis
11. Ted Mc Cilla
12. Mary Pachanik
13. Jim Faye
14. Winifred McCarthy
15. Polly Marshall

The Hearing closed at 9:30 p.m.

VII.. Adjournment

The meeting was adjourned at 10:30 p.m.

3/26/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, March 30, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

SF
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/30/82 I. Call to Order

DOCUMENTS DEPT. 1982

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Flynn; Saunders; Anderson
Alternates: Chinchilla, Fung

Commissioners not Present: Baird; Duggan; Alviar; Payne

Staff Present: Hernandez; Lim; Astle; Castanon-Hill

Commissioner Curran appeared on the record at 5:45 p.m.

III. Approval of Minutes

MSC: To approve the minutes of March 16, 1982 as corrected.

Page 2, Section VIII, New Business line 4 "has held himself out as" shall be changed to "has represented himself as."

Page 2, Section VII, Old Business line 18-19 "Payne dissenting", shall be corrected to "Payne assenting". (Anderson/Flynn: 4-0.)

MSC: To approve the minutes of March 23, 1982 as corrected

Page 2, Section IV Communications, line A. should be corrected to indicate that the memo discussed was on suggested changes to the Rules and Regulations. Line B should be changed to reflect that the notice of Intended Decision which grants a Writ of Mandate was issued from Judge Brown regarding a recent case. Also on Page 2, Section V, Director's Report line A should be changed simply to Jean Kennedy has been hired.

Page 3, line 12 should reflect that the Public Hearing closed at 9:30 p.m. and there was discussion among the Board on the Rules and Regulations. (Flynn/Anderson 4-0.)

IV. Consideration of Appeals

A. 910 B Guerrero St.

Tenant appealed Hearing Officer's decision. Tenant did not appear at Hearing under her belief that there was a continuance in the matter.

MSW: To deny this appeal. (Saunders/Flynn)

MSC: To remand to the same Hearing Officer for hearing with both parties present. (Curran/Anderson:4-0.)

B. 3318 --16th Street

The landlord appealed the Hearing Officer's decision which denied an increase based upon non-certified capital improvements and rehabilitation work in excess of an annual 7% increase.

MSC: To deny this appeal. (Saunders/Curran:4-0.)

C. 2792 Diamond St. (Reconsideration)

The landlord appealed the Hearing Officer's decision which denied an increase based upon capital improvements.

MSC: To remand to a new Hearing Officer to determine whether the landlord complied with previous Hearing Officer's order regarding improvements and ordinary repair and maintenance in addition to addressing the issue of interest on Capital Improvements. (Curran/Anderson:4-0.)

IV. Communications

A. Letter from Charles Smith, 2655 Polk Street discussing rental problems at this building.

B. Letter from Joe Toole.

C. Letter from Barbara O'Hearn Thanking the Board in its generosity.

D. Letter from Ricardo Hernandez listing the present staff.

V. Director's Report

A. Presentation by Ruth Astle of proposed new forms for landlord and tenant petitions. Discussion of Board included suggested changes in format and language of the forms.

B. Regarding the mailing of information to landlords and tenants three major bids have been submitted for layout, address labels and printing. Final draft of text will be sent out to Commissioners in their packets for next week.

C. The Executive Director received favorable response on the training session for new Hearing Officers.

D. The Executive Director reported on the changed Hearing schedule. The number of Hearing Officers has been cut to 33, 13 will do hearings every week, 15 every other week and five will be on call and available in weekend hearings.

VI. Old Business

The Board discussed the Rules and Regulations. Discussed was the following:

- A. The effective date of the Ordinance.
- B. Technical changes in the Rules and Regulations.
- C. Corrections and clarification in language.

MSC: To amend the Rules and Regulations by adding Section 4.10(c) to read "effective date: to be effective, any rent increase notices given on or after April, 1982, must conform with the provisions of 4.10(a)." (Curran/Flynn: 4-0.)

MSC: To adopt the Rules and Regulations as amended and corrected, permitting staff to make technical, non-substantive corrections as necessary. (Saunders/Curran: 4-0.)

VII. New Business

A. 755-795 Burnett Avenue

MSC: To permit Commissioner Flynn to sign appeal decision after deletion of superfluous language. (Saunders/Anderson: 4-0.)

VIII. Calendar

- A. Sections 6.10, 6.11 and 6.12 of the Rules and Regulations will be discussed during the April 13, 1982 Board Meeting.
- B. The Executive Director will report to the Board on his selection process for present Hearing Officers.

IX. Remarks from the Public

The Board listened to remarks and suggestions from the public about the Rules and Regulations, tenants' summary petition, and the necessity to provide information to tenants and the general public.

X. Adjournment

President Flynn adjourned the meeting at 8:35 p.m.

City and County of San Francisco

**Residential Rent Stabilization and
Arbitration Board**



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 6, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

I. Call to Order

Commissioner Baird called the meeting to order at 5:30 p.m.

II. Roll Call

DOCUMENTS DEPT.

Commissioners Present: Baird; Anderson

APR 20 1982

Alternates: Fung

Commissioners not Present: Flynn; Saunders; Alviar

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Commissioner Curran appeared on the record at 5:37 p.m.

Commissioner Payne appeared on the record at 5:40 p.m.

Commissioners Duggan and Chinchilla appeared on the record at 5:45 p.m.

III. Approval of Minutes

MSC: To approve the minutes of March 30, 1982 as corrected.

Page 2, Section IV, Communications, item C, the first letter in the word Thanking should be changed to lower case.

Page 2, Section V, Director's Report, item C, should state the date of the training session as Saturday, March 27, 1982.

Page 3, Section V, Director's Report, item D, line 4 "available in weekend hearings" should be corrected to "available for weekend hearings." (Fung/Anderson: 3-0.)

IV. Consideration of Appeals

A. 1322 -47th Avenue

Landlord appealed Hearing Officer's decision to abate tenant's February 1982 rent to \$213.09 as a result of 17 days without electricity in tenant's home.

MSC: To deny this appeal. (Fung/Anderson: 3-0.)

B. 51 -6th Street

Tenant appealed Hearing Officer's decision granting landlord a 7% annual increase. Tenant alleged reduction of services, lack of heat.

MSC: To deny this appeal. (Anderson/Fung: 5-0.)

City and County of San Francisco

**Residential Rent Stabilization and
Arbitration Board**



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 13, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

I. Call to Order

DOCUMENTS DEPT.

President Flynn called the meeting to order at 5:30 p.m. - **4-10-1982**

II. Roll Call

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Commissioners Present: Flynn; Saunders; Anderson

Alternates: Payne; Duggan

Staff Present: Hernandez; Lim; Francis

Commissioners Alviar and Curran appeared on the record at 5:38 p.m.

Commissioner Baird appeared on the record at 5:40 p.m.

Commissioners Fung and Chinchilla appeared on the record at 5:41 p.m.

III. Approval of Minutes

MSC: To approve the minutes of April 6, 1982 as corrected.

Page 2, Section VI, Direcor's Report, Item C, line 2, "1983" should be corrected to read "1982." (Anderson/Saunders: 4-0.)

IV. Consideration of Appeals

A. 1234 Jones St. #1-22

Landlord appealed Hearing Officer's decision to amortize a smoke detector system over a 5 year period and to deny rental increases based upon operating and maintenance, utility pass-through and debt service.

MSC: To remand to a new Hearing Officer.
(Saunders/Alviar: 5-0.)

B. 1349 Clayton

Landlord appealed Hearing Officer's decision ordering landlord to reimburse tenant \$1410.00 for breaches of warranty of habitability.

MSC: To remand to the same Hearing Officer.
(Baird/Alviar: 5-0.)

C. 665 Eddy

Tenant appealed stipulation in the matter. Both parties had agreed to amount for base rent and to permit annual 7%

increase based on operating and maintenance.

MSC: To deny this appeal. (Baird/Anderson: 5-0.)

V. Communications

None

VI. Director's Report

A. The Director reported on the selection process for the present Hearing Officers. Hearing Officers were selected on the basis of three criteria:

- 1) Quality of written decisions;
- 2) Timeliness or lateness of decisions and hearings;
- 3) Ability to hold a hearing.

All applicants were ranked from 1 to 48. 33 Hearing Officers were selected. 13 will work on a weekly basis; 14 on an every other week basis; 6 will be on call.

B. The Director made a presentation of the Rent Board's Budget for Fiscal Year 82-83, which is a proposed \$300,000.00. Board members inquired into whether more staff should be hired and whether the proposed budget would allow alternate Board members to be compensated.

VII. New Business

A. Commissioner Saunders reported on the status of the mailer to landlords and members of the public informing them of changes in the Rent Ordinance. The mailer will be sent out by April 15 or very soon thereafter. The press conference will be held Monday April 19 in the Meeting Room of the Board of Supervisors. Board discussion included concern over providing equal notice to tenants and suggestions on how to accomplish this given our budget constraints.

B. The amendments have been completed proposing that part of the RAP Program be administered under the Rent Board. This proposal affects the North of Market RAP Neighborhood.

VIII. Old Business

A. President Flynn submitted proposed amendments to Section 6.10(a) (1), 6.11(a) (1) and (2), Operating and Maintenance, and Comparables relating to elimination of ceiling on operating and maintenance increases.

MSC: To adopt for purposes of submitting to a public hearing. (Baird/Saunders: 5-0.)

B. Commissioner Curran submitted a proposed amendment to Section 6.12(f) of the Rules and Regulations relating to whether non-certified capital improvements should be included in base rent.

MSC: To adopt for purposes of submitting it to public hearing. (Baird/Alviar: 3-2.)

IX. Calendar

A. The Board will hear an appeal on 1405 Jackson, April 20, 1982 at 7:00 p.m.

B. The Board will discuss the Code of Professional conduct for Hearing Officers/Conflict of Interest on April 20, 1982.

X. Remarks from the Public

A. Joe Harney addressed the Board on directives to Hearing Officers on prospective and retrospective treatment of debt service; an increased budget for the Rent Board to insure the Public is served; that fairness and equity demand that tenant's know their rights and receive notice of changes in the law.

XI. Adjournment

President Flynn adjourned the meeting at 7:55 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 20, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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20/82

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Flynn; Saunders; Baird

Alternates: Fung, Duggan

Staff Present: Hernandez; Lim; Astle

Commissioner Alviar appeared on the record at 5:40 p.m.

Commissioner Curran appeared on the record at 5:43 p.m.

III. Approval of Minutes

MSC: To approve the minutes of April 13, 1982 as corrected.

Page 3, Section X, Remarks from the Public, Item A, line 1, should be corrected to "Mike" Harney.

Page 2, Section VII, New Business, Item A, line 2, the words "and members of the public" should be deleted. (Baird/Saunders: 3-0.)

IV. Consideration of Appeals

A. 940 Hayes

Landlord appealed Hearing Officer's decision denying 9% interest on capital improvements and amortizing his capital improvements over 10 years.

MSC: To deny this appeal. (Baird/Saunders: 4-0, President Flynn was excused from consideration of this appeal.)

B. 725 Ashbury

Landlord appealed stipulation in this matter regarding mis-statements by tenant regarding amount of tenant's utility bills.

MSC: To remand to same Hearing Officer. (Baird/Alviar: 4-0.)

C. 660 Bush

Landlord appealed Hearing Officer's decision to permit tenant to deduct from her monthly rent, the cost in her electric and gas bill which exceeds her monthly average prior to the change in heating systems.

MSC: To remand to same Hearing Officer.
(Alviar/Baird: 4-0.)

V. Communications

- A. Letter from Joe Lacey, Old St. Mary's Housing Committee discussing problem of publicizing changes in Rent Ordinance. Discussion by Board included decision to have Commissioners Curran and Saunders meet with Mr. Lacey to discuss a plan for publicizing the new law.
- B. Letter from St. Benedict Center informing social service agencies of the availability of American Sign Language interpreting service.
- C. Letter from Janet Henley, Hearing Officer, urging the Board to address comments directed at Ms. Henley made by an attorney representing a party at a recent hearing Ms. Henley presided over. The Board decided to delegate 2 members of the Board, Commissioners Flynn and Curran to listen to the tape, re-read Mr. Rosenthal's response and write a response to Mr. Rosenthal if necessary.

VI. Director's Report

- A. The Executive Director reported on the Press Conference which was held Monday, April 19, at 10:30 a.m. The Board representatives did a good job and the staff was pleased with the presentation.
- B. The final report on the mailer was made. 36,662 notices went out to San Francisco landlords. The Board commended Commissioner Saunders for the tremendous job which was done and for his superior effort in the matter. Commendation also went to Mr. Victor Udaloff for his help with the mailer.
- C. The Planning, Housing and Development Committee of the Board of Supervisors met to discuss amendments to the RAP and Rent Ordinances. The result of these amendments will be that the Rent Board will accept rental petitions over 7% from the North of Market area.
- D. The Executive Director asked President Flynn to accompany him to the May 3 meeting with the Mayor on the Budget. Before this meeting, the City Attorney will submit two letters, discussing payment of alternate Board members and upgrading the pay scale for Hearing Officers

VIII. Old Business

A. A Public Hearing will be scheduled for May 4 to discuss amendments to Sections 6.10, 6.11, 6.12 of the Rules and Regulations. The Hearing is set for 6:00 p.m.

MSC: That the City Attorney be present to express views on the payment of alternates.
(Baird/Saunders: 3-1, Flynn Dissenting)

The Board called a recess at 6:55 p.m. and moved the agenda in order to hear an appeal. The Board was back on record at 7:20 p.m.

IX. Appeal Hearing

A. 1405 Jackson

MSC: To find Mr. John Paul Mathurin a tenant for proposes of the Rent Ordinance; that the Board has no jurisdiction in this matter due to the Municipal Court already having decided the issues in this matter. (Baird/Saunders: 4-0)

X. Calendar

A. Public Hearing on May 4 to discuss amendments to Section 6.10, 6.11, 6.12.

XI. Remarks from Public

None

XII. New Business

A. The Board discussed the Code of Professional Conduct for Hearing Officers. Changes, additions and deletions were made to a draft originally proposed by Commissioner Curran on February 2, 1982.

XIII. Adjournment

President Flynn adjourned the meeting at 8:00 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, April 27, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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21/82

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m. DOCUMENTS DEPT.

II. Roll Call

APR 30 1982

Commissioners Present: Flynn; Alviar; Baird
 Commissioner not Present: Chinchilla
 Staff Present: Hernandez; Lim; Carp

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Commissioners Fung and Payne appeared on the record at 5:34 p.m.
 Commissioners Duggan and Curran appeared on the record at 5:35 p.m.
 Commissioner Anderson appeared on the record at 5:40 p.m.

III. Approval of Minutes

MSC: To approve the minutes of April 20, 1982 as corrected. Page 2, Section V, Communications, Item A, line 4 should include Jim Fabris of the San Francisco Board of Realtors. Page 2, Section VI, Director's Report, Item C, line 3 should read "The result of these amendments, if adopted." (Baird/Alviar: 3-0.)

IV. Consideration of Appeals

A. 1473- 48th Ave.

Tenant appealed the Hearing Officer's decision to deny any rent increase unless within 30 days landlord submits official statements from building inspector that conditions have been corrected. Upon receipt of statement, rent would be increased based upon comparables.

MSC: To deny this appeal. (Anderson/Saunders: 5-0.)

B. 450 Jones St.

Landlord appealed Hearing Officer's decision granting 10 percent reduction in rent, retroactive to January 1, 1982 based upon reduction of services.

MSC: To deny this appeal. (Alviar/Anderson: 4-1, Baird dissenting. President Flynn was excused from consideration of this appeal.)

C. 1481- 8th Ave.

Tenants appealed Hearing Officer's decision to increase tenant's rent based upon increased debt service and comparables.

MSC: To deny this appeal. (Anderson/Saunders: 5-0.)

V. Communications

- A. Letter from Deputy City Attorney Pennypacker to Supervisor Britt discussing amendments to the RAP and Rent Ordinance.
- B. Juan Cruz's letter from Human Rights Commission to Dimaggio Graham of O.C.D., discussing a joint project between Fair Housing and the Rent Board for a landlord/tenant rights guide.
- C. The Executive Director thanked the Board for its good job on the flyer on behalf of the staff.
- D. Meeting with Mayor on May 3 to discuss Rent Board Budget.

VII. Old Business

- A. Code of Professional Conduct for Hearing Officers.

MSC: To adopt the Code as amended, line 5 shall be changed from "unless" to "except if." (Alviar/Saunders: 5-0.)

- B. Commissioner Curran and Flynn reported on the tape for the 1234 Jones hearing. Based upon the tape, the Hearing Officer conducted a competent hearing in a very professional manner. There was, therefore, no basis for Mr. Rosenthal's accusations in his appeal statement. The Board will address a letter to Mr. Rosenthal with a copy sent to the Hearing Officer.

VIII. New Business

- A. The Executive Director reported on a problem with the Real Estate Department. A member of that department has not been allowing landlords to file for Capital Improvement certifications, telling them instead that they are exempt as landowners doing substantial rehabilitation.
- B. Commissioner Flynn expressed the need for the Board to set policy directives in the following areas:
 - 1) PG&E conversions to separate meters. How should it be handled, should it be passed on as Capital Improvement or not?
 - 2) Prospective increases in Operating and Maintenance.

- 3) Interest on Capital Improvements. What is the intent of the Board?
- 4) Operating and Maintenance. Would the Board allow annual periods as well as immediate and preceding periods.
- 5) Substantial rehabilitation.
- 6) Hearing Officers' fees, Alternates' fees and indexing decisions.

The Board discussed the issued of interest on Capital Improvements and clarified its "legislative history." Commissioner Flynn will return with a draft on this issue.

Topics #2 and #4 will be discussed on May 18. Topic #1 will be discussed on May 25. Energy consultants will be invited to make a presentation to the Board.

IX. Calendar Items

- A. Public Hearing on May 4, at 6:00 p.m. to discuss amendments to Sections 6.10, 6.11, and 6.12.
- B. Discussion on pay for alternate Board members on May 4.

X. Remarks from the Public

- A. Mr. John Maddock of 22 Battery Street on behalf of Dr. Peter Bullock addressed the Board on the need for indexed decisions and timeliness of Hearing Officer's decisions.
- B. Another member of the public commended the Board on the great job they have done.

XI. Adjournment

President Flynn adjourned the meeting at 7:40 p.m.

4/29/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, May 4, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

***** DOCUMENTS DEPT. *****

I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Flynn, Saunders, Alviar, Baird, Anderson

Alternates: Payne, Curran

Staff Present: Francis; Lim; Wolf

Commissioner Chinchilla appeared on the record at 5:35 p.m.

III. Approval of Minutes

MSC: To approve the minutes of April 20, 1982.
(Baird/Alviar: 5-0.)

IV. Consideration of Appeals

A. 2838 Baker St.

Landlord appealed Hearing Officer's decision denying rental increases in excess of 7 percent based on variable rate mortgage and comparables.

MSC: To deny the appeal. (Saunders/Anderson: 3-2.)

B. 462 Broderick St.

Landlord appealed Hearing Officer's decision denying rental increase above 7 percent based upon comparables. An increase was granted for increased operating expenses.

MSC: To deny this appeal. (Saunders/Anderson: 5-0.)

C. 4168- 24th St.

Landlord appealed Hearing Officer's decision denying rental increase in excess of 7 percent, and for vagueness regarding two specific issues in decision.

MSC: To remand to a new Hearing Officer with instructions to clarify on issues of painting and express finding of decrease in services with respect to pest control. (Baird/Anderson: 5-0.)

V. Public Hearing

At 6:00 p.m. the Board commenced Public Hearing on proposed amendments to Board Rules and Regulations 6.10, 6.11, 6.12. Comments were provided by the following persons.

1. Michael Harney, Affordable Housing Alliance
2. Joe Lacey, Old St. Mary's Housing
3. Ron Feitag, Nob Hill Neighbors
4. Shirl Tesch, Affordable Housing Alliance
5. Nancy Destefanis, Hearing Officer
6. Ann Young
7. Jim Faye, San Francisco's Tenants Union
8. Tom Guiber
9. Ray Jones
10. Laurence Minson
11. Winnifred McCarthy, Apt. House Association
12. Mary Wald
13. Noble Hamilton

A. MSC: To adopt Section 6.10 (A) as proposed.
(Baird/Alviar: 3-2, Alviar and Anderson dissenting.)

B. MSC: To postpone action on Section 6.11 until May 25th. (Alviar/Anderson: 5-0.)

C. MSC: To adopt Section 6.12(f) of the Rules as proposed. (Saunders/Alviar: 4-1.)

VI. Director's Report

A. Commissioner Flynn reported on the meeting between the Mayor and the Executive Director on the Budget. It appears the 50 percent increase requested will pass with no difficulty.

B. Susan Francis reported on proposed RAP amendments which will come before the Planning, Housing and Development Committee of the Board of Supervisors.

VII. Old Business

A. MSC: Commencing this June that the Board establish quarterly luncheons to be attended by Commissioners, Hearing Officers and staff.
(Baird/Alviar: 5-0.)

B. Letter has been written to a certain attorney, Commissioner Flynn brought the letter for review by the Board. It will be sent forthwith.

C. Flint Nelson and a supervisor of the Division of Residential Marketing of PG&E will be present at 5:45 p.m. on May 25th to speak on energy conservation and conversion of heating system.

D. MSC: That alternate Board members receive the payment specified in Section 2.15 of the Board's Rules, to be effective immediately. (Baird/Saunders: 5-0.)

E. Susan Francis reported on a petition for Writ of Mandate in regard to 530 Lake St., which was considered by the Board on January 12, 1982. Commissioners will study the petition for Writ and discuss the matter in 2 weeks.

VIII. Calendar Items

A. Board meeting for May 11 has been cancelled.

B. Board will discuss Writ of Mandate for 530 Lake, May 18.

C. Board will discuss amendment to 6.11 of the Rules and Regulations on May 25 and will speak with the City Attorney about eliminating 6.11.

IX. Adjournment

Commissioner Flynn adjourned the meeting at 8:45 p.m.

5/6/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, May 18, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

I. Call to Order

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II. Roll Call

Commissioners Present: Flynn; Anderson
Alternates: Duggan, Chinchilla
Commissioners not Present: Saunders; Baird
Alternates: Fung; Payne
Staff Present: Hernandez; Lim; Astle

Commissioner Curran appeared on the record at 5:40 p.m.
Commissioner Alviar appeared on the record at 5:50 p.m.

III. Approval of Minutes

MSC: To approve the minutes of May 4, 1982 as corrected. Page 2, Section VI, Director's Report, item B; "which will come before" shall be corrected to "which will be heard by." line 3, the date "on May 18" shall be added to the sentence. Page 2, Section VII, Old Business, item B, shall read "A letter has been sent to Mr. Steve Rosenthal addressing remarks directed at a Hearing Officer." The letter will request that Mr. Rosenthal apologize for those remarks. (Anderson/Duggan: 3-0.)

IV. Consideration of Appeals

A. 2790 Pine St./1816-1826 Broderick St.

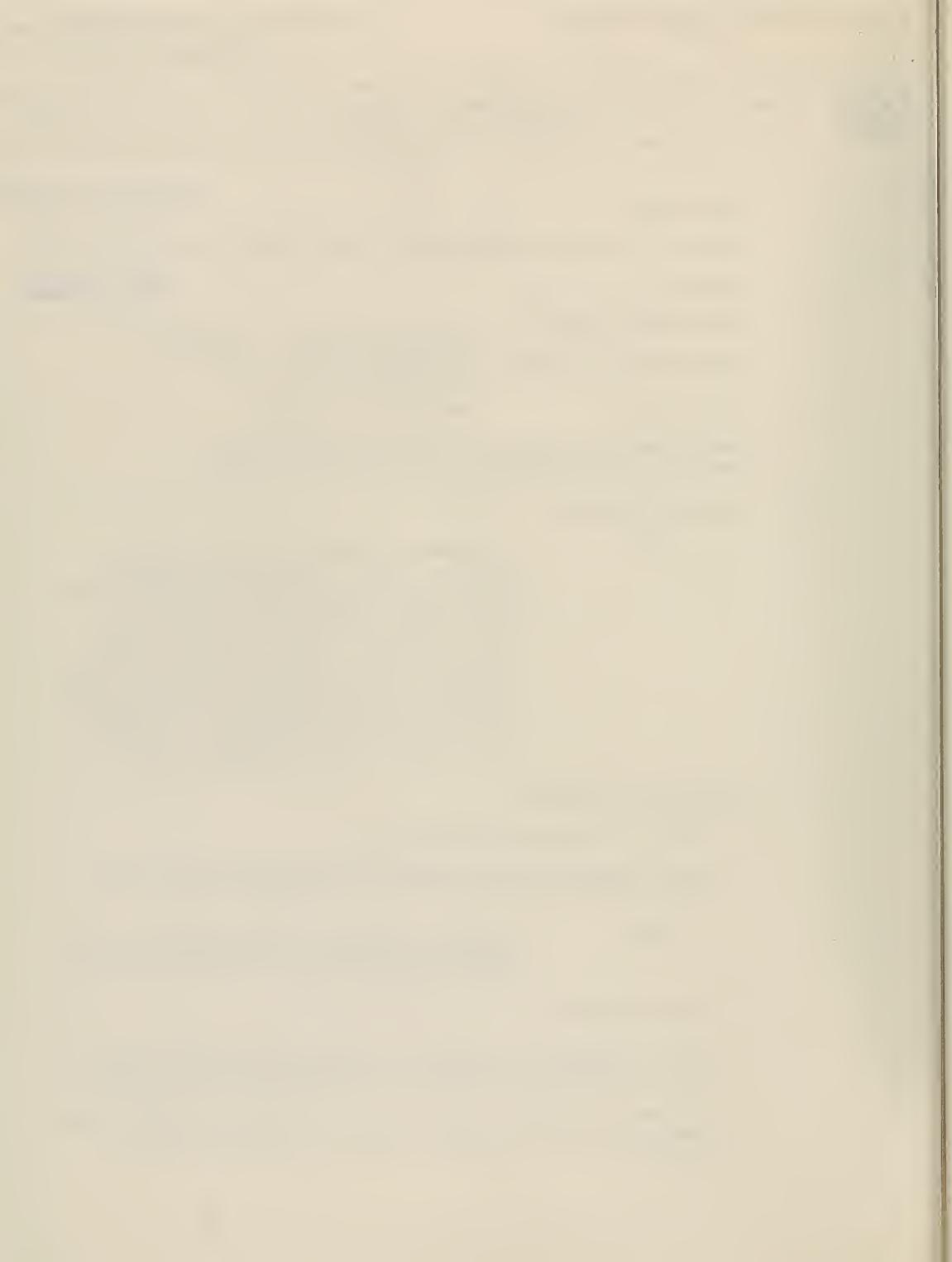
Landlord appealed Hearing Officer's decision granting a rental increase with effective date on April 1, 1982.

MSC: To remand to the same Hearing Officer for technical corrections on the anniversary date. (Duggan/Anderson: 4-0.)

B. 3098 California St.

Landlord appealed Hearing Officer's decision to delay effective date of proposed rent increase, which was based on comparables.

Consideration of this appeal will be put over for one week because Commissioners did not receive copies of the Hearing Officer's decision.



C. 378 Bartlett St.

Tenant appealed Hearing Officer's decision denying 7 percent rental increase, but permitting the previous rent rate to continue. Tenant alleged he should receive a reduction in rent due to reduction in services.

MSC: To deny this appeal. (Anderson/Flynn: 4-0.)

D. 885 Franklin St.

Tenant appealed Hearing Officer's decision granting 14 percent increase, 7 percent of which is for the annual increase.

MSC: To remand to the Hearing Officer who wrote the decision. (Duggan/Anderson: 4-0.)

E. 125 Fair Oaks St.

Landlord appealed the Hearing Officer's decision denying an increase over 7 percent due to variable rate mortgage and contested allegation that a subsequent eviction notice was retaliatory.

MSC: To deny this appeal. (Duggan/Anderson: 4-0.)

V. Communications

- A. A letter from Shirl Tesch congratulating the Commissioners on the fine job they do.
- B. Letter from Laura Swartz of Chinatown Neighborhood Improvement Resource Center regarding variable rate mortgages.
- C. Letter from Steven Rosenthal apologizing both to Ms. Janet Henley and the Board for his comments in a recently considered appeal.
- D. Letter from KQED-FM thanking the Rent Board for participating in "Sound Investment '82."
- E. A copy of a letter from Dr. Francis Sooy of UCSF to Joe Lacey regarding the psychological impact of evictions.
- F. Letter from Robert Siska of 940 Hayes St., requesting a reconsideration of an appeal, which had been denied.

MSC: To excuse the chair from this matter.
(Anderson/Alviar: 4-0.)

Motion to reconsider the appeal in 940 Hayes died for lack of a second. (Alviar.)

MSC: To reconsider the appeal in 940 Hayes, to be calendared for June 1, 1982, with proper notice to both sides. (Alviar/Anderson: 2-1, Duggan dissenting.)

VI. Director's Report

- A. The Executive Director reported on new developments in the office. There have been changes in the work load of the staff due to the new law. There has been a reduction in the overall number of petitions in comparison with last year. However, the number of landlords and tenants involved in hearings and petitions has stayed at the same level. For April and May we have had 77 summary petitions and 18 appeals filed. We are less likely to have a postponement or withdrawal of a petition. All in all the Rent Board office is running well.
- B. The Executive Director reported on the May 18 meeting of the Planning, Housing and Development Committee of the Board of Supervisors on the issue of amending the RAP Ordinance so that the Rent Board would be administering it. The matter was voted out of committee, 3-0 and in two weeks will be considered by the full Board. The Executive Director submitted copies of minutes from Bernard Cummings and copies of the Budget Analyst's report. The Executive Director has requested an additional \$58,879 in funding for administering the RAP Ordinance.

VII. Old Business

- A. The effective date for the amended 6.10 and 6.12 of the Rules and Regulations will be decided next week, May 25th, after the proposed amendment to 6.11 is considered.
- B. Office of Community Development and the Human Rights office will be working on a manual on landlord/tenant rights.
- C. Memo to Hearing Officers/Policy Directive 1982-1.

MSC: To adopt policy directive 1982-1 with two corrections in language. (Alviar/Anderson: 4-0.)

The policy directive will return to the Board for their signatures.

VIII. Calendar Items

- A. Board will discuss proposed amendments to 6.11 of the Rules and Regulations on May 25.
- B. Several energy consultants will make presentations to the Board on May 25, at 5:45 p.m.
- C. June 4, Friday, from 12 to 1 p.m. will be the first Board, Hearing Officer, staff, quarterly luncheon.

IX. Remarks from the Public

1. Robert Siska addressed the Board about appeal procedures.
2. Jerry Schween, of the Tenderloin Citizens Action Committee, addressed the Board on the proposed RAP amendments.

The Board met in Executive Session to discuss pending litigation.

X. Adjournment

Commissioner Flynn adjourned the meeting at 7:30 p.m.

5/19/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, June 1, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

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I. Call to Order

DOCUMENTS DEPT.

President Flynn called the meeting to order at 5:40 p.m. JUN 18 1982

II. Roll Call

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Commissioners Present: Flynn; Saunders
Alternates: Chinchilla; Curran; Duggan;
Fung; Payne
Commissioners not Present: Baird; Alviar; Anderson
Staff Present Hernandez; Lim; Astle

III. Approval of Minutes

MSC: To approve the minutes of May 25, 1982 as corrected. Page 2, Section IV, Item C, line 3, should be corrected to read "the building at this property address to be non-owner occupied." Page 3, Section V, Communications, Item A, should be corrected to read "Knight, Boland, and Riordan." Page 3, Section VI, Director's Report, Item B, shall read "Steven Carp will be retained on a work-study basis to do the indexing project this summer. (Saunders/Curran: 5-0.)

IV. Consideration of Appeals

A. 246 McAllister St.

Landlord appealed Hearing Officer's decision denying an increase in excess of 7 percent based upon increased operating and maintenance and increased debt service. A 13.6 percent increase had been granted based upon comparables.

MSF: To accept appeal and remand to same Hearing Officer on issues of Operating and Maintenance and debt service. (Curran/Chinchilla: 1-4, Chinchilla, Duggan, Flynn and Saunders dissenting.)

MSC: To deny this appeal (Chinchilla/Saunders: 3-2, Curran and Duggan dissenting.)

B. 3201 Washington

Landlord appealed Hearing Officer's decision denying 9 percent interest on Capital Improvements. Landlord alleged incorrect calculation of utility pass-through and lack of clarity of anniversary date.

MSC: To remand to same Hearing Officer to make corrections in utility pass-through and anniversary dates; to grant 9 percent interest; and to pass through 2 percent increase of the tenant after confirming good faith attempt to repair tenant's unit with both parties. (Saunders/Curran: 5-0.)

The Agenda was moved for Reconsideration of an Appeal.

V. Reconsideration of an Appeal

A. 940 Hayes St.

Landlord requested reconsideration of his appeal of Hearing Officer's decision denying 9 percent interest on capital improvements, and amortizing improvements over 10 years.

MSC: To excuse Commissioner Flynn from consideration of this matter. (Saunders/Duggan: 5-0.)

MSC: To remand to new Hearing Officer on the issues of amortization period of capital improvements and interest, with the direction that 9 percent interest on capital improvements will be granted. (Curran/Chinchilla: 5-0.)

IV. Consideration of Appeals (Continued from Page 1)

C. 1700-1710- 10th Ave.

Landlord appealed Hearing Officer's decision denying an increase in excess of 7 percent based on increased debt service from a variable rate mortgage.

MSC: To deny this appeal. Saunders/Curran: 5-0.)

VI. Communications

A. Documents were submitted by Mr. Claude Scoville, manager of the Parkmerced complex about the proper means of computing utility pass through for this complex.

B. Memorandum from the Executive Director informing the Board that the Landlord of 1117 De Haro, which was an appeal considered on May 25, 1982, would be out of the country for the next two months. The appeal hearing will be recalendared.

C. A letter from Charles Scully on a conservatorship matter requesting to bypass the hearing stage and have the Board consider the hardship issue. The Board will send a letter to Mr. Scully directing him to file a landlord petition

D. A letter from Wallace Wortman regarding which amortization schedule to use for certain improvements not listed in Section 6.12(b) of the Rules and Regulations. The Board ruled that all items listed: MasterTV antenna system, including TV, window shutters in common areas, entrance awnings, free laundry room, ice machine for hotel kitchen, new lobby reception desk, guest beauty shop (non-commercial), music and paging system, planter boxes, bathroom mirrors, new furniture, hallway paintings, shall be granted 5 year amortization. Amortization of vending machines was disallowed.

VII. Director's Report

A. Ricardo Hernandez will be the speaker at the June 1982 TREM (Trustees in Real Estate Management) meeting.

B. The Board of Supervisors passed the amendments to the RAP Ordinance. Thursday, June 3, at 10:30 a.m. the Executive Director will meet with the Deputy Mayor to request apportionment of funds in order to administer the RAP program.

C. The Director reminded the Commissioners of their first quarterly staff/hearing officer luncheon at 12:30 p.m., June 4, 1982.

VIII. Old Business

A. Effective date for amended 6.10, 6.12, of the Rules and Regulations.

MSC: To implement 6.10, 6.12 effective July 1, 1982.
(Curran/Chinchilla: 5-0.)

IX. New Business

A. Discussion on prospective debt service will be put off for two weeks, til June 22, 1982.

B. Issue of landlord trying to pass on as a Capital Improvement the change of a meter without a reduction in rent for tenant. Matter calendared for three weeks, June 29, 1982.

X. Remarks from the Public

A. Shirl Tesch complimented Commissioner Flynn.

XI. Adjournment

President Flynn adjourned the meeting at 7:55 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday June 15, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

Vice-President Saunders called the meeting to order at 5:45 p.m.

II. Roll Call

Commissioners Present: Saunders; Alviar; Baird; Anderson
Alternates: Duggan; Fung; Payne **DOCUMENTS DEPT.**
Commissioners not Present: Curran; Chinchilla
Staff Present: Hernandez; Lim; Astle; Henley **JUN 25 1982**

Commissioner Flynn appeared on the record at 5:55 p.m.

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III. Approval of Minutes

MSC: To approve the minutes of June 1, 1982 as corrected. Page 1, Section IV, Consideration of Appeals, Item B, line 3 should be corrected to read "lack of clarity." Page 2, line 7, should be corrected to read "The Agenda was moved for Reconsideration of an Appeal." Page 2, Section IV, Consideration of Appeals, item C, line 4 should include the names of Commissioners Saunders and Curran. Page 2, Section VI, Communications, item C, should have the following corrections; lines 1, 2- "Charles Scully on a conservator-ship matter requesting to by-pass." Page 3, item D, line 9 should read "hallway paintings, shall be granted 5 year amortization. Amortization of vending machines was disallowed." (Alviar/Anderson: 5-0.)

IV. Consideration of Appeals

A. 250 Point Lobos

Tenant appealed Hearing Officer's decision which granted lump sum reduction in rent for reduced services due to water leakage. Tenant sought extension of rent reduction.

MSC: To deny this appeal. (Saunders/Anderson: 4-1, Baird dissenting.)

B. 899 Pine Street

Tenants appealed Hearing Officer's decision which found only minimal reduction in service caused by conversion of some of the units in this building to short-term luxury apartments.

MSC: To excuse Commissioner Duggan from this appeal.
(Alviar/Anderson: 5-0.)

MSC: To deny this appeal. (Baird/Alviar: 5-0.)

C. 1350- 38th Ave.

Tenant appealed Hearing Officer's decision granting an increase based upon capital improvements. Tenant alleged being told to go home by landlord and failure of landlord to make any improvements.

MSC: To deny this appeal. (Baird/Anderson: 5-0.)

D. 1350- 38th Ave

Landlord appealed Hearing Officer's decision denying him rent increase in excess of 7 percent because the property address was not found to be exempt as owner-occupied.

MSW: To remand this appeal. (Saunders/Alviar)

MSC: To deny this appeal. (Saunders/Anderson: 5-0.)

V. Communications

- A. A letter from Barbara O'Hearn regarding the negotiated amount for Hearing Officers' compensation as of July 1. In addition to the letter was comparable rates of pay for Hearing Officers in other jurisdictions.
- B. Copy of memorandum from Susan Francis to the Hearing Officers with attachments on the eviction workshop scheduled for July 2; memo on 9 percent interest for capital improvements, copies of amended 6.10 and 6.12 of the Rules and Regulations and the Hearing Officers' Code of Professional Conduct.
- C. A copy of a letter from Wallace Wortman to John Maatta, attorney for landlord of Abigail Hotel informing him that the Real Estate Department is barred from accepting an application for certification of capital improvements, filed after legal notice of rent increase has been given.
- D. Letter from Penny Torrangeau of the John Stewart Company requesting advice on future rent increases.

VI. Director's Report

- A. Barbara O'Hearn has accepted the position of Senior Staff Attorney at the Santa Monica Rent Board.
- B. The Executive Director reported that all landlord petitions, tenant petitions for arbitration, summary petitions and appeals have increased during the month of June.

- C. The interim budget was approved last week so there will be funding for July 1. On June 22, Ricardo Hernandez will present the ad-valorum budget before the Finance Committee. Until the Budget is passed by the Supervisors and signed by the Mayor, no staff or salary increases will be allowed. This year's budget request will be increased for the additional expense of administering the RAP Ordinance.
- D. The Mayor signed the RAP ordinance on Thursday, June 10. The ordinance will take effect 30 days from the time it is signed.
- E. The Executive Director informed the Board that he will be on vacation the last week of July through the first week of August.

VII. Old Business

- A. Commissioner Anderson reported on the first quarterly Hearing Officer/staff/Commissioner Luncheon which was held on June 4, 1982. Commissioners Anderson, Chinchilla, Curran, Flynn and Payne attended the meeting. The Commissioners felt the session was productive in getting a sense of Hearing Officer's concerns.

VIII. New Business

- A. The Executive Director requested clarification of whether it is necessary for a landlord to complete the entire Operating and Maintenance attachment when an increase is being sought for increased debt service only. It was the staff's opinion that the entire form must be completed. The Commissioners concurred with the opinion of the staff.
- B. The Executive Director also requested clarification of how to treat a prospective increase in the variable rate mortgage. It was the Board's opinion that a landlord can file for a rental increase for increased debt service as a result of a future increase in the variable rate mortgage as long as it is clearly documented and the rental increase will coincide with the time of the increase in the interest rate or tax.

IX. Calendar Items

- A. An eviction hearing has been scheduled for June 22 at 6:00 p.m. for 3320 Octavia Street.
- B. An appeal hearing has been scheduled for June 29 at 7:00 p.m. for 1117 De Haro.

X. Remarks from the Public

- A. Claude Scovill asked whether the Board has completed its Policy Directive on utility pass-throughs.

- B. Ted McCallum of Old St. Mary's relayed an invitation from Joe Lacey to Commissioner Flynn to attend the San Francisco Urban Fair at Sunday, June 27, at 3:00 p.m., where several San Franciscan's will be honored.
- C. A member of the public commented to the Board that "comparables are odious." The Board concurred.

XI. Adjournment

President Flynn adjourned the meeting at 7:15 p.m.

6/17/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, June 22, 1982 at 5:30 p.m. at the State Building; 350 McAllister St. #1195

I. Call to Order

DOCUMENTS DEPT.

President Flynn called the meeting to order at 5:35 p.m.

JUN 25 1982

II. Roll Call

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Commissioners Present: Alviar; Anderson; Flynn;
Alternates: Duggan; Fung

Commissioners not Present: Baird; Saunders; Payne; Chinchilla
Staff Present: Hernandez; Lim; Corman; Henley

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page 2, Section V, Communications, from now on complete sentences will be used instead of phrases. Page 2, Section VI, Director's Report, Item A should be corrected to read "Barbara O'Hearn has accepted the position of Senior Staff Attorney at the Santa Monica Rent Board." Item B should be corrected to read "The Executive Director reported that all landlord petitions, tenant petitions for arbitration, summary petitions and appeals have increased during the month of June. Page 3, Section VI, Director's Report, Item C, line 6 should be corrected to read "increased for the additional expense of administering the RAP Ordinance." Page 3, Section X, Remarks from the Public, Item A, line 1, Mr. Scovill's name is Claude.

IV. Consideration of Appeals

A. 5130 Fulton

Tenant appealed the Hearing Officer's decision granting the landlord a rental increase in excess of 7 percent for capital improvements (i.e. smoke detector and exterior painting.) Tenant alleges rental increase will cause a hardship because the rent amounts to one half of her monthly income.

MSC: To accept the appeal de novo. (Duggan/Alviar: 4-0.)

B. 1675-1677 Union St.

Tenant appealed the Hearing Officer's decision which found the building at this property address to be exempt as owner occupied, thereby finding the eviction to be legal.

MSC: To deny this appeal. (Alviar/Anderson: 4-0.)

C. 1474 Sacramento St.

Landlord appealed Hearing Officer's decision granting a rental increase in excess of 7 percent for capital improvements, which the landlord alleges should be greater. Landlord also appeals denial of interest on these capital improvements.

MSC: To remand to a new Hearing Officer to reconsider granting 18 percent interest to the extent of the amount spent on capital improvements and to check the total amount of capital improvements.

D. 3955- 17th St.

Landlord appealed the Hearing Officer's decision denying a rental increase in excess of 7 percent based upon comparables.

MSC: To deny this appeal. (Anderson/Alviar: 4-0.)

E. 129 Fair Oaks

Tenant appealed the Hearing Officer's decision granting rental increase in excess of 7 percent based upon comparables.

MSC: To remand to a new Hearing Officer for a hearing de novo. (Anderson/Alviar: 4-0.)

F. 2792 Diamond St.

Landlord appealed the Hearing Officer's decision which granted him an increase based upon capital improvements upon service of a proper 30-day notice. Landlord alleges rental increase should be retro-active to November 1, 1981.

MSC: To deny this appeal. (Duggan/Anderson: 4-0.)

The Agenda was moved for Consideration of an Alleged Wrongful Eviction.

VII. Alleged Wrongful Eviction

A. 3320 Octavia St.

Present at the hearing were Mr. John Fox, the landlord, Ms. Janet Heath, the tenant and Mr. Joe Lacey, the tenant's representative. Mr. Lacey and Ms. Heath presented the Commissioners with their case for a wrongful eviction. Mr. Fox presented his case that this was not a wrongful eviction. The Commissioners questioned both parties. The Commissioners will render a decision the following week.

V. Communications

- A. The Board received a copy of a letter from Mr. Ron China, addressed to Mayor Feinstein, regarding a recent denial of his appeal.
- B. The Board received a letter from Dr. A.D. Rosenberg who alleged that he had not received notice of a remanded hearing because the notice was sent to the wrong address.
- C. The Board received a leaflet from the Affordable Housing Alliance urging the Board to eliminate comparables as a rent increase justification.

VI. Director's Report

- A. The Executive Director reported on the Budget Analyst's recommendations for the Rent Board's budget. The requested budget of \$295,996 is being reduced by approximately \$18,000 by the Budget Analyst.
- B. The Executive Director suggested that the Commissioners review the housing component of the "Proposed Revision of the Residence Element of the Comprehensive Plan of the City and County of San Francisco" written by the Department of City Planning. Commissioner Anderson will furnish copies to all the Commissioners at the next Board meeting.
- C. The Executive Director requested clarification on a matter concerning operating and maintenance expenses. When a landlord is seeking an increase based primarily on a large increase in operation and maintenance with a minor increase in debt service should the landlord include the amount for debt service? Also by including the debt service amount, is the landlord limited to the debt service CPI limit? It was the Board's opinion that the debt service must be filled in but the CPI limit only operates when the increase is being sought for debt service only.
- D. The Executive Director reported that the Capital Improvement forms will be changed to add a line for calculating interest.

VII. Old Business

- A. The prospective debt service policy will reflect what was written in the minutes of the previous Board meeting.

VIII. New Business

- A. No new business was discussed.

IX. Calendar Items

A. An appeal hearing in 5130 Fulton St. will be scheduled for July 6.

X. Adjournment

President Flynn adjourned the meeting at 7:35 p.m.

6/24/82:ap

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, June 29, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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I. Call to Order

President Flynn called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Flynn; Saunders; Baird; Anderson; Alviar;

Alternates: Payne

Commissioners not Present: Fung

Staff Present: Hernandez; Lim, Corman; Wolf, Kubota;
Vitrano; Francis; Astle

Commissioner Chinchilla appeared on the record at 5:35 p.m.

Commissioner Curran appeared on the record at 5:36 p.m.

Commissioner Duggan appeared on the record at 5:50 p.m.

Commissioner Chinchilla went off the record at 8:35 p.m.

III. Approval of Minutes

MSC:

To approve the minutes as corrected. Page 2, Section IV, Consideration of Appeals, Item C, line 8 should include the maker and seconder of the motion, (Alviar/Duggan: 4-0.) Page 3, Section IV, Director's Report, Item C, line 9 should read in conformity with Rules and Regulations Section 6.10(a), "The CPI limit only operates when the increase is being sought for debt service either in whole or in part."

The Agenda was moved to New Business

IX. New Business

A. 6.11 of the Rules and Regulations - Comparables

Commissioner Baird introduced the issue of comparables to the Board. Deputy City Attorney Pennypacker was present to address the Board. It was Ms. Pennypacker's opinion that elimination of Section 6.11 of the Rules and Regulations would operate as an amendment to the Rent Ordinance. She did state that the Board has great latitude in how to consider comparables, how the factor should be weighed. Ms. Pennypacker also responded to a question asking whether comparables as a factor must be considered as a sole rental increase justification. It was her opinion that they need not be a sole justification. The Board felt there was no necessity for a public hearing on this matter. For next week's Board meeting, the previous draft of 6.11 will be discussed, as well as a suggested draft by Hearing Officer Ruth Astle.

The Agenda was moved back to Consideration of Appeals.

IV. Consideration of Appeals

A. 3225- 23rd Street

Tenant appealed Hearing Officer's decision which granted a rental increase of \$15.73 based upon increased operating and maintenance but which denied a 7 percent increase based upon failure to do ordinary repairs and maintenance.

MSC: To deny this appeal. (Baird/Saunders: 5-0.)

B. 2059 Market Street

Landlord appealed Hearing Officer's decision disallowing 9 percent interest on Capital Improvements because the improvements were not financed by a lending institution.

MSC: To remand to make technical corrections and grant the 9 percent interest. (Saunders/Baird: 5-0.)

C. 1600 Beach

Landlord appealed Hearing Officer's decision which granted a 7 percent rental increase but which denied an increase based upon Operating and Maintenance expenses.

MSC: To consolidate the 1600 Beach cases and deal with them under the Rules and Regulations in existence prior to April 1, 1982. (Saunders/Alviar: 5-0.)

MSC: To accept the appeal de novo. (Anderson/Alviar: 5-0.)

MSC: To amend the motion with the suggestion to both parties that calendar years 1980 and 1981 be used for operating and maintenance purposes. (Flynn/Anderson: 5-0.)

Attorneys representing both sides in this matter addressed the Board briefly.

D. 1210-1212 Newhall Street

Consideration of this appeal will be put off until next week.

The Agenda was moved to Old Business

VIII. Old Business

A. 3320 Octavia Street

MSC: To excuse Commissioner Anderson from consideration of this matter. (Alviar/Baird: 5-0.)

MSC: That the Board finds an appearance of an unlawful eviction. (Duggan/Alviar: 3-0.)

Motion to conduct the meeting in Executive Session fails for lack of a second. (Alviar)

MSC: To discuss this matter before the public. (Duggan/Alviar: 3-0.)

MSC: That the Board recommends civil proceedings be brought by the District Attorney to seek injunctive relief and any other relief appropriate, regarding the entire pattern of activity at 3320 Octavia. (Duggan/Alviar: 3-0.)

The Board took a brief recess at 7:15 p.m. and was back on the record at 7:30 p.m.

VII. Consideration of Alleged Wrongful Evictions

Commencing with next week, every eviction decision which results in an opinion by the hearing officer that there appears to have been an unlawful eviction, shall come to the Board for review. A report on these evictions will be prepared by the staff.

V. Communications

- A. The Board received a letter from Deputy District Attorney, David Moon, regarding 3320 Octavia Street and what the D.A.'s office has done with prior landlord-tenant matters.
- B. The Board received a letter from Ruth Astle addressing the Board on several problems encountered during hearings.
- C. Commissioner Anderson provided each Commissioner with a copy of the Proposed Revision of the Residence Element of the Comprehensive Plan of the City and County of San Francisco.

VI. Director's Report

- A. The staff of the Rent Board conducted a workshop to inform landlord and tenant representatives of the changes in the Ordinance. Approximately 40 people attended.
- B. Friday July 2, the staff will conduct a training session for hearing officers who will be doing eviction hearings. The session will be from 9 a.m. to 12 noon. The Hearing Officer's Brown Bag Luncheon will be at noon, and they will be informed of how to do the 75 percent of CPI calculation.

IX. New Business

- A. The PG&E policy directive will be forthcoming .
- B. In response to Mr. Claude Scovill's problem with the PG&E pass-through at Parkmerced, the Board decided not to make an amendment for the Parkmerced situation. The Board will resolve any problem when an appeal comes before them.

X. Calendar Items

- A. On July 20, there will be an appeal hearing on 1600 Beach at 6:00 p.m.

XI. Remarks from the Public

No remarks from the public.

XII. Adjournment

President Flynn adjourned the meeting at 9:07 p.m.

7/1/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, July 6, 1982 at 5:30 p.m. at the State Building
350 McAllister St. #1195

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***** DOCUMENTS DEPT. *****

I. Call to Order

JULY 6 1982

President Flynn called the meeting to order at 5:35 p.m. SAN FRANCISCO
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II. Roll Call

Commissioners Present: Anderson; Baird; Flynn
Alternates: Chinchilla; Curran; Duggan;
Fung; Payne
Commissioners not Present: Alviar; Saunders
Staff Present: Hernandez; Lim; Corman

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page 1,
New Business, Item A, line 4 should be cor-
rected to read "amendments to the Rent
Ordinance." Page 2, IV Consideration of
Appeals, Item C, the third motion shall
include "calendar years 1980 and 1981 be
used for operating and maintenance purposes.
(Curran/Anderson: 5-0.)

IV. Consideration of Appeals

A. 85 Liberty/851 Guerrero Street

Landlord appealed Hearing Officer's decision granting a rent reduc-
tion based upon reduction of services, denying a 7 percent for
another tenant based upon failure to repair and denying a portion
of the 7 percent increase for another tenant for the same reason.

MSC: To remand to the same Hearing Officer for
technical corrections with respect to
85 Liberty. The paragraph in the decision
requiring that landlord guarantee the roof
work shall be deleted. Tenant at 85 Liberty
shall pay back the \$15 per month reduction
for the time after which landlord had
noticed tenant of his repair of roof.
(Baird/Curran: 5-0.)

B. 2412- 30th Ave

Landlord appealed Hearing Officer's decision granting an increase
above the 7 percent. Landlord alleges he should receive a larger
rental increase due to an error in the findings of fact.

MSC: To remand to Hearing Officer to amend decision to reflect the correct figure. (Flynn/Payne: 5-0.)

C. 367 Capp Street

Tenant appealed Hearing Officer's decision granting a 7 percent increase plus a \$29.16/month increase for operating and maintenance costs (water.)

MSC: To remand to new Hearing Officer to recompute proposed rent increase using April 1-June 30 Operating and Maintenance Rules and Regulations. (Baird/Payne: 5-0.)

D. 312 Liberty Street

Landlord appealed Hearing Officer's decision which granted a 10.5 percent rental increase based upon comparables. Hearing Officer denied utility pass-through based upon landlord's failure to produce bills for the previous year.

MSC: To deny this appeal. (Anderson/Curran: 5-0.)

E. 450 Jones Street

Tenant appealed Hearing Officer's finding that the remaining repairs do not warrant a continued rent reduction permitting landlord to increase rent upon service of a valid 30 day notice.

MSC: To excuse Commissioner Flynn from consideration of this appeal. (Curran/Anderson: 5-0.)

MSC: To remand and consolidate the rent increase issues in this case with all other pending petitions at 450 Jones, to set and hear them at the same time. (Baird/Payne: 5-0.)

F. 1210-1212 Newhall

Landlord appealed decisions of two Hearing Officers. In the 1210 matter, Landlord appealed Hearing Officer's decision granting rental increase based upon increased operating and maintenance because rent was below comparable units in the area.

In the 1212 matter, the Hearing Officer denied a 7 percent increase due to failure to repair and denied an operating and maintenance increase.

MSC: To accept de novo. (Anderson/Payne: 5-0.)

V. Consideration of Alleged Wrongful Eviction

A. 2459 Larkin St.

Four tenants were served with notices to vacate within one month of filing rent arbitration petitions. Among the reasons for eviction was for the owner to occupy the entire top floor, but it now appears owner is renting out units as they become vacant.

MSC: To hold an eviction hearing upon 10 days notice. (Baird/Curran: 5-0.)

B. 2003 Franklin Street

Tenants were served with notices to vacate for the owner to occupy and for alleged nuisance, two weeks after tenants had filed a petition for rent arbitration. One year earlier, tenants had been served with a notice to vacate for an alleged breach of the lease. Notice was later rescinded by the landlord after tenants had filed a report of alleged wrongful eviction. Commissioners Baird's Motion to hold a hearing failed for lack of a second.

MSC: To adopt the Hearing Officer's findings of an unlawful eviction and take no further action. (Curran/Anderson: 4-1, Baird dissenting.)

C. 1908- 14th Avenue

Tenants were served with three different notices to vacate since February, 1982, stating different and inconsistent reasons for eviction. Notice followed tenants' protests regarding rental increases well above 7 percent, and subsequent filing of rent arbitration petitions. Commissioner Payne's motion to take no action fails for lack of a second.

MSC: To adopt the Hearing Officer's findings of alleged wrongful eviction, but to take no further action. (Curran/Flynn: 5-0.)

VI. Communications

- A. The Commissioners received a letter from Barbara O'Hearn regarding the Hearing Officers' Association and the goals of this Association.
- B. The Commissioners received a postcard from a tenant from 3320 Octavia regarding the John Fox/Janet Heath eviction hearing.
- C. The Commissioners received a memorandum from Commissioner Curran discussing comparables.

VII. Director's Report

- A. The Executive Director requested that the Board postpone its discussion of comparables for one week while staff analyzes the comparables component of the RAP Ordinance.
- B. The Executive Director informed the Board of his time line for the annual report.

VIII. New Business

- A. Commissioner Flynn distributed a draft of a rule recommendation on utilities.

IX. Calendar Items

- A. Vacation plans - the Executive Director will be on vacation the last week of July through the first week of August. Commissioner Anderson will be on vacation the first two weeks in August. Commissioner Flynn will be on vacation from July 27th through August 17th. Commissioner Curran's motion to cancel the July 27th meeting failed for lack of a second.

- B. The eviction hearing in 2459 Larkin Street has been set for July 20.

X. Remarks from the Public

- A. No remarks from the public.

XI Adjournment

President Flynn adjourned the meeting at 8:20 p.m.

7/7/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, July 13, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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DOCUMENT NO. 1

(11-16-1982)

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I. Call to Order

President Flynn called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Anderson; Baird; Saunders; Flynn

Alternates: Duggan; Fung

Commissioners not Present: Chinchilla; Payne

Staff Present: Hernandez; Lim; Francis; Wolf; Astle; Henley; Carp

Commissioner Curran appeared on the record at 5:40 p.m.

Commissioner Alviar appeared on the record at 5:41 p.m.

Commissioner Fung went off the record at 7:30 p.m.

III. Approval of Minutes

MSC: To approve the minutes as written.
(Anderson/Baird: 4-0.)

IV. Consideration of Appeals

A. 3447- 20th Street

Tenant appealed Hearing Officer's decision which reduced tenant's rent \$50.00 per month until landlord corrects reduction in services. Tenant was ordered to pay two months of withheld rent, minus \$50.00 monthly reduction.

MSC: To deny this appeal. (Anderson/Saunders: 5-0.)

B. 446 Broderick Street

Landlord appealed Hearing Officer's decision which held that the property address at this building is not exempt as owner-occupied because landlord does not own a 50 percent fee interest in the building in which he and the tenant live. Since landlord was not exempt from the Ordinance, his rental increase notice and subsequent eviction notice did not comply with provisions of the Ordinance.

MSC: To deny this appeal. (Anderson/Saunders: 5-0.)

C. 190 Monterrey Blvd.

Tenants appealed Hearing Officer's decision granting an increase based upon utility pass-through and capital improvements. One tenant alleges rental increase on improvements were incorrectly calculated and some improvements do not benefit her unit.

MSC: To remand to same Hearing Officer for technical corrections. (Anderson/Saunders: 5-0.)

D. 1131 Green Street

Landlord appealed Hearing Officer's decision permitting tenant to deduct an amount for repair of rain damaged walls and ceilings, which landlord had agreed to pay. Landlord later refused to pay after tenant filed petition for arbitration. Landlord alleges notice of hearing was sent to the incorrect address.

MSC: To deny this appeal. (Saunders/Anderson: 5-0.)

E. 1435 Fulton Street

Tenants appealed Hearing Officer's decision granting an increase in excess of 7 percent based upon comparables and capital improvements.

MSC: To remand to another Hearing Officer on issue of comparables. (Saunders/Anderson: 1-4, Alviar, Anderson, Baird, Flynn dissenting.)

MSC: To deny this appeal. (Alviar/Saunders: 5-0.)

F. 609 A Haight Street

Landlord appealed Hearing Officer's decision which denied an increase above 7 percent because landlord was not present to justify such an increase. Landlord alleges he did not receive notice of hearing.

MSC: To deny this appeal. (Anderson/Baird: 5-0.)

V. Communications

A. The Board received a letter from Mr. Ephraim Margolin requesting a continuance in the 1600 Beach appeal hearing due to Mr. Margolin being out of town.

MSC: To reschedule the appeal hearing to July 27. (Saunders/Flynn: 5-0.)

B. The Board received a letter from the Real Estate Department requesting a continuance in 1000 Sutter (i.e. The Granada).

- C. The Board received a letter from the attorney regarding 645 Stockton, requesting the Board hear this matter on the issue of hardship. The Board's response was that the attorney must file a landlord petition for arbitration.

VI. Director's Report

- A. The Executive Director gave copies of a portion of the OCD Quarterly Report written by staff member Joan Kubota.
- B. The Executive Director reported that on Monday July 12, the Board of Supervisors, on first reading, approved the preliminary budget. The Executive Director will begin the process to hire a new clerk typist for the office.
- C. The Executive Director repeated that he will be gone on vacation the last week of July through the first week of August. Ms. Susan Francis will be in charge during the interim.
- D. The Executive Director stated that he would like the annual report to be submitted to the Board of Supervisors by October 1, 1982.

VII. Old Business

- A. The Board discussed the issue of comparables. A proposed amendment was submitted by Susan Francis and Ruth Astle which the Board discussed. The Board then discussed the elimination of comparables from the Ordinance.

MSC: To recommend to the Board of Supervisors that they delete comparables from the rent Ordinance. (Baird/Anderson: 3-2, with Saunders and Flynn dissenting.)

- B. The Board adopted an amendment of the PG&E portion of the Rules and Regulations.

MSC: To adopt this amendment. (Saunders/Alviar: 5-0.)

VIII. New Business

- A. The Executive Director reported a problem where some landlords have, after filing petitions for rental increases with the Rent Board, these landlords have noticed a much greater increase than requested in the petition. The staff will now enclose a cover letter with copies of petitions which are sent out informing tenants that the landlord's requested rental increase must be approved by a hearing officer and that the copies of petitions are no indication of approval by the Rent Board.

IX. Calendar Items

A. Commissioner Saunders will be on vacation from August 30 through September 15.

X. Remarks from the Public

A. Ted McCallum of Old St. Mary's asked the Commissioners about obtaining past history from PG&E.

B. Mike Harney congratulated the three Commissioners who voted to recommend to the Board of Supervisors the elimination of comparables from the Ordinance. He urged that comparables not be used as an independent justification for a rental increase.

XI. Adjournment

President Flynn adjourned the meeting at 7:50 p.m.

7/15/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, July 20, 1980 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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I. Call to Order

President Flynn called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Saunders; Flynn

Alternates: Payne; Curran; Duggan; Chinchilla

Commissioners not Present: Alvar; Baird; Anderson; Fung

Staff Present: Hernandez; Lim; Wolf

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page 2, IV Consideration of Appeals, Item E, the first motion should read MSF instead of MSC. Page 3 VIII, New Business, Item A, the first sentence should read "The Executive Director reported a problem where some landlords, after filing petitions for rental increases with the Rent Board, have noticed a much greater increase than requested in the petition." (Saunders/Curran: 5-0.)

IV. Consideration of Appeals

A. 867 Fell St.

The landlord appealed the Hearing Officer's decision denying a 50 percent increase in rent, which also held that single family dwellings are controlled by the Ordinance. Landlord alleges that the Rent Board has no jurisdiction over last month's rent, nor security and cleaning deposits. Landlord also alleged that the Hearing Officer failed to consider comparables.

MSC: To deny this appeal. (Saunders/Chinchilla: 5-0.)

B. 2185 O'Farrell St.

The landowner appealed the Hearing Officer's decision which denied a rental increase based upon operating and maintenance as well as capital improvements due to landowner's inability to provide sufficient documentation. The Hearing Officer also permitted the tenants to pay their increased security deposits in installments. Landowner alleged that the Rent Board has no jurisdiction over security deposits.

MSC: To deny this appeal. (Saunders/Duggan: 5-0.)

C. 2300-2304 Divisadero / 2870-76 Washington

The landowner appealed the Hearing Officer's decision denying a rental increase based upon operating and maintenance expenses which were not adequately documented. The Hearing Officer also denied a 7 percent increase until landlord completed certain repairs.

MSF: To deny this appeal. (Chinchilla/Saunders: 2-3, Curran, Saunders, and Flynn dissenting.)

MSC: To remand this appeal to a new hearing officer (Curran/Saunders: 4-1, Chinchilla dissenting.)

V. Appeal Hearing

A. 1600 Beach Street

An appeal hearing de novo was held. Appearing were landlords Irving Zaretsky and Zeeva Kardos. Also appearing were tenants Johnson and Edwards, represented by attorney Mitchell Tannenbaum. Tenant Noel Isaacs was represented by Ted McCalla and Joe Leppert of Old St. Mary's Housing Committee. The following issues were presented to and considered by the Board:

- a) The adequacy of documentation for a requested Operating and Maintenance rental increase.
- b) Proper amortization of Capital Improvements (locks).
- c) PG&E pass-through.
- d) A requested rental increase based upon comparables.
- e) Additional persons in a rental unit.
- f) The proper anniversary dates for tenants.
- g) The effective date of the notices sent to tenants.

At the close of the hearing, the parties agreed to settle the matter. Tenants will pay a stipulated amount for Operating and Maintenance and locks.

VI. Communications

- A. The Board received a letter from the landlord at 1349 Clayton. He claimed that notices for hearings were not sent to the proper address. Since the incorrect address was furnished by the landlord himself, the Board will take no action.

VII. Director's Report

- A. The Executive Director reported that petitions have picked up.
- B. The Executive Director submitted a letter written by the staff which shall be sent out with copies of the landlord petitions.

VIII. Old Business

- A. Pursuant to a request made by the Mayor to all Commissions and Department heads that no Charter Amendments be submitted to the Board of Supervisors without prior consultation with the Mayor's office, the Rent Board will consult with the Mayor's office about the recommendation to delete comparables from the Ordinance.

MSC: To withdraw the letter to the Board of Supervisors until the original request is submitted to the Mayor's office. (Saunders/Duggan: 5-0.)

IX. New Business

- A. Commissioners Flynn and Curran submitted suggested changes to the Rules and Regulations which define what low rent history would be. Consideration of these proposed changes will be put over.

X. Calendar Items

- A. The July 27th Board meeting will be cancelled.

MSC: To cancel the meeting on July 27. (Chinchilla/Curran: 5-0.)

- B. An appeal hearing has been scheduled for August 3 regarding the property address at 1210-1212 Newhall.
- C. An eviction hearing has been scheduled for August 10 regarding the property address at 2549 Larkin Street.

XI. Adjournment

President Flynn adjourned the meeting at 10:10 p.m.

7/22/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, August 3, 1982 at 5:30 at the State Building
350 McAllister St. #1195

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3/82

I. Call to Order

Vice President Saunders called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Saunders; Alviar
Alternates: Chinchilla; Fung; Payne

Commissioners not Present: Flynn; Anderson

Staff Present: Francis; Lim; Astle

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Commissioner Duggan appeared on the record at 5:33 p.m.

Commissioner Curran appeared on the record at 5:35 p.m.

Commissioner Baird appeared on the record at 5:40 p.m.

AUG 6 1982

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III. Approval of Minutes

MSC: To approve the minutes of July 27, 1982.
(Chinchilla/Alviar: 4-0.)

IV. Consideration of Appeals

A. 775 Burnett Ave.

Tenant appealed Hearing Officer's decision granting landlord an increase in excess of 7 percent based upon capital improvements. Tenant also alleged a decrease in services for increased cost of laundry facilities.

MSC: To deny this appeal. (Fung/Chinchilla: 4-0.)

B. 801 Jones

Landlord appealed Hearing Officer's decision denying an increase in excess of 7 percent based upon increased operating and maintenance expenses, debt service, and comparables.

MSC: To remand to the same Hearing Officer to correct allowance of prospective taxes and debt service. (Alviar/Duggan: 5-0.)

C. 120 Parnassus

Landlord appealed Hearing Officer's decision denying rental increase based upon increased PG&E costs, capital improvements, increased operating and maintenance costs and comparables. Landlord also protests reduction in rent for reduction in services for a lack of a working stove.

MSC: To deny this appeal. (Baird/Chinchilla: 5-0.)

D. 2700 Polk St.

Tenant appealed Hearing Officer's decision which granted tenant a \$2.00 reduction in rent for reduction in heating services. Tenant alleges a greater amount should be deducted from his rent.

MSC: To deny this appeal. (Baird/Alviar: 5-0.)

E. 3320 Octavia

MSC: To put over consideration of this appeal until next week. (Chinchilla/Fung: 5-0.)

F. 1470 Valencia

Landlord appealed Hearing Officer's decision which denied rent increase in excess of 7 percent based upon comparables.

MSC: To deny this appeal. (Chinchilla/Alviar: 5-0.)

G. 20 Le Roy Place

Landlord appealed Hearing Officer's decision which held that the landlord did not meet his burden to justify an increase over 7 percent for operating and maintenance, utility pass-through, and capital improvements. Landlord claims that this unit is part of a building at 1345 Sacramento where landlords were granted an increase for capital improvements.

MSC: To deny this appeal. (Baird/Alviar: 5-0.)

H. 840 Geary Blvd.

Tenant appealed Hearing Officer's decision which found that there was just cause for eviction of tenant.

MSC: To adopt Hearing Officer's report without prejudice to the tenant being able to assert any defense in future litigation. (Baird/Chinchilla: 5-0.)

I. 1690 Filbert St.

Landlord appealed Hearing Officer's decision which held that the work being done at the premises did not constitute substantial rehabilitation.

MSC: To deny this appeal. (Baird/Alviar: 5-0.)

V. Communications

There were no communications

VI. Director's Report

- A. Susan Francis reported that the number of hearings has decreased recently.
- B. The number of evictions which have come to the attention of the Rent Board has been increasing steadily.
- C. The Writ regarding the property address of 530 Lake will be heard next Wednesday.
- D. Portions of the first draft of the annual report have been given to Commissioner Saunders.

VII. Old Business

- A. The stipulation between the parties at 1600 Beach St. will be sent to all parties for their signatures.
- B. The Commissioners received and edited a letter to Mayor Feinstein informing her of what the Rent Board will recommend to the Board of Supervisors regarding comparables.
- C. Commissioner Saunders presented his draft of a memo to accompany copies of the landlord petitions sent to tenants.

VIII. New Business

- A. The Board reiterated the new Hearing Officer schedule which was effective as of July 1, 1982.

MSC: To ratify the staff policy of payments for Hearing Officers according to the new plan effective July 1, 1982. (Fung/Alviar: 5-0.)

IX. Appeal Hearing

- A. 1210 - 1212 Newhall

The Board dismissed the appeal because none of the parties were present.

MSC: To dismiss this appeal. (Alviar/Baird: 5-0.)

X. Calendar Items

- A. Eviction Hearing at 2459 Larkin St. will be held August 10, 1982. at 6:00 p.m.

XI. Remarks from the Public

A. Ted McCalla of Old St. Mary's commented on the brevity of the meeting.

XII. Adjournment

Vice President Saunders adjourned the meeting at 6:35 p.m.

8/5/82:ap

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, August 10, 1982 at 5:30 at the State Building 350 McAllister St. #1195



I. Call to Order

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II. Roll Call

Commissioners Present: Alviar, Baird
Alternates: Fung; Duggan; Payne; Chinchilla
Commissioners not Present: Anderson; Flynn

Staff Present: Hernandez; Lim; Corman

Commissioner Curran appeared on the record at 5:37 p.m.
Commissioner Saunders appeared on the record at 6:05 p.m.

III. Approval of Minutes

MSC: To approve the minutes of August 3, 1982 as corrected. Page 1, IV Consideration of Appeals, Item C, line 5 shall be corrected to read "a working oven." (Chinchilla/Alviar: 5-0.)

IV. Consideration of Appeals

A. 525 Hyde St.

Landlords appealed Hearing Officer's decision which denied a utility pass-through because the landlord did not supply sufficient documentation to establish a comparison period. Landlord alleges he did not receive notice of the hearing regarding utility bill documentation.

MSC: To remand to same Hearing Officer.
(Payne/Alviar: 5-0.)

B. 1050 Franklin St.

Landlords appealed Hearing Officer's decision which disallowed an improperly calculated utility pass-through where landlords used improper comparison period. Hearing Officer ordered improperly collected amounts refunded to all tenants.

MSC: To deny this appeal. (Payne/Chinchilla: 5-0.)

C. 725 C Ashbury St.

Landlord appealed Hearing Officer's decision which held that landlord failed to document that the property was substantially

rehabilitated. Landlord alleges that the petition was not timely filed.

The minutes shall reflect that Mr. Owen McDonald, landlord's attorney, requested an opportunity to speak which was denied by the Board.

MSC: To remand to determine the issue of substantial rehabilitation only. (Payne/Baird: 4-1, Chinchilla dissenting.)

D. 259 Hickory St.

Tenant appealed Hearing Officer's decision which granted a rental increase above 7 percent. A tenant alleges miscalculation in his base rent.

MSC: To remand to the Hearing Officer for corrections. (Chinchilla/Alviar: 5-0.)

VII. Consideration of Allegations of Wrongful Evictions

B. Appeal Hearing

1. 2459 Larkin St.

An eviction hearing was held as a result of a staff report of alleged wrongful eviction. Present were the landlord, Mr. W. W. Jones, and former tenants Mr. Ronald Krempetz, Mr. Charles Dorr, Mr. Bruce Lovelady, and tenant Elizabeth Frankon.

MSC: To find that there was an attempted wrongful eviction. (Saunders/Chinchilla: 5-0.)

MSC: To continue discussion of this case in public (Saunders/Chinchilla: 5-0.)

MSC: To take no further action on the findings. (Saunders/Alviar: 5-0.)

IV. Consideration of Appeals (Continued)

E. 2459 Larkin St.

Landlord appealed Hearing Officer's decision which held that rent increases over 7 percent were in violation of the Ordinance.

MSC: To remand to a new Hearing Officer to consider under the old Ordinance (pre-April 1982.) (Saunders/Fung: 5-0.)

F. 3320 Octavia

Landlord appealed Hearing Officer's decision which disallowed rental increases for two tenants until their anniversary date, permitted a 30 percent increase for three other tenants. Landlord alleges there were numerical errors and errors in calculation of expenses.

MSF: To deny this appeal (Chinchilla/Alviar: 2-3, Alviar, Chinchilla voted for the motion, Fung Saunders, and Baird voted against the motion.)

MSC: To remand to the same Hearing Officer for technical corrections. (Fung/Saunders: 5-0.)

VII. Consideration of Allegations of Wrongful Evictions

A. Report from Staff

1. 733- 14th St.

The Hearing Officer found a wrongful eviction due to landlord's failure to obtain permits prior to serving the notice to vacate on tenant.

MSC: To adopt the Hearing Officer's Findings and Conclusions and take no further action. (Baird/Fung: 5-0.)

2. 1240- 7th Ave.

During a one month period, tenant was served with three separate notices to vacate for alleged violations of the lease. Hearing Officer found that landlord could not substantiate alleged breaches.

MSC: To adopt the Hearing Officer's Findings and Conclusions and take no further action. (Baird/Alviar: 5-0.)

3. 731 Fell St.

Tenant filed a Petition for Rent Arbitration in December 1980 protesting a 22.2 percent increase in rent. The Hearing Officer ultimately allowed a 13.3 percent increase from \$225.00 to \$254.91 per month. Tenant subsequently received a notice to vacate on the grounds that the landlords wished to occupy her unit on June 12, 1982 six months after her filing of the petition. The Hearing Officer found that the notice was not served in good faith, but did not make a conclusion as to whether the attempted eviction is retaliatory.

MSC: To adopt staff recommendation and set an eviction hearing. (Baird/Alviar: 5-0.)

4. 510 Divisadero

Both tenants were served with notices to vacate based on the landlord's allegation that "some work in the building has become necessary." The Hearing Officer found that the landlord had not obtained building permits prior to serving the notices, and that the notices failed to advise the tenants of their right to contact the Rent Board. The Hearing Officer found that there was no proof that the attempted evictions are wrongful.

MSC: To adopt the Hearing Officer's Findings of Fact, to hold the eviction as wrongful and to take no further action. (Baird/Alviar: 5-0.)

5. 3070 San Bruno

Tenant originally filed a Report of Alleged Wrongful Eviction on April 21, 1982. A hearing on that report was heard on June 28, 1982. In his decision, the Hearing Officer determined that the notice to vacate was defective and invalid, and that a breach of the lease had not occurred. On July 28, the tenant filed a new Report of Wrongful Eviction due to a second notice to vacate served by the landlord incorporating many of the same allegations as already decided in the first hearing.

MSC: To hear the eviction de novo. (Alviar/Chinchilla: 3-0.)

6. 751 Page St.

Tenants filed a Summary Petition on June 8, 1982 due to the landlord's attempt to increase rent from \$295.00 to \$340.00. On June 14, 1982, tenants received a notice to vacate alleging that rent was consistently paid late and that they were committing a nuisance. The Hearing Officer found that the notice was served in bad faith and in retaliation for the tenants' previous assertion of their legal rights.

MSC: To refer this matter to the District Attorney's office. (Fung/Baird: 5-0.)

V. Communications

- A. The Board received a letter from a landlord regarding a recent appeal remand, where the Board directed that an anniversary date be changed without a corresponding change in the rent to be paid. The Board will send a letter to the landlord informing him that their decision stands.
- B. The Board received pamphlets which have translated the 10 most asked questions about the Rent Ordinance into Chinese and Vietnamese.

VI. Director's Report

A. Drafts of the Annual Report were given to the Commissioners for their perusal.

VIII. Old Business

A. Commissioner Saunders gave the Commissioners a third draft of the letter to be sent to tenants with copies of the landlord petition.

IX. New Business

A. Commissioner Curran had a suggestion regarding sending notices for hearings by registered mail, return receipt requested.

B. Commissioner Curran also suggested that when parties are sent a notice of appeal consideration, they should be informed that any oral testimony will not be heard.

C. The Commissioners discussed the need to establish a better way of conducting de novo hearings.

X. Calendar Items

A. Commissioner Saunders said he may not be able to attend the next Board hearing.

XI. Remarks from the Public

A. There were none.

XII. Adjournment

Vice-President Saunders adjourned the meeting at 8:37 p.m.

8/12/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, August 17, 1982 at 5:30 at the State Building 350 McAllister St. #1195

I. Call to Order

Vice-President Saunders called the meeting to order at 5:30 p.m.

II. Roll Call

Commissioners Present: Alviar; Baird; Saunders

Alternates: Fung; Duggan; Curran

Commissioners not Present: Flynn; Anderson; Chinchilla; Payne

Staff Present: Hernandez; Lim

III. Approval of Minutes

MSC: To approve the minutes of August 10, 1982 as written. (Alviar/Baird: 4-0.)

IV. Consideration of Appeals

A. 1580 Guerrero

Landlord appealed Hearing Officer's decision which granted a rental increase in excess of 7 percent based on capital improvements and utility pass-through, but which denied an increase based upon operating and maintenance expenses.

MSC: To deny this appeal. (Saunders/Alviar: 4-0.)

B. 2041- 9th Ave.

Landlord appealed Hearing Officer's decision which granted an increase based upon capital improvements and a \$20.00 increase for comparables due to additional people in the apartment. Landlord sought a greater increase for comparables.

MSC: To deny this appeal. (Baird/Alviar: 4-0.)

C. 2190 Bay St.

Landlord appealed Hearing Officer's decision which denied an increase in excess of 7 percent based upon increased operating and maintenance expenses due to increased debt service. Landlord alleges the debt service expense to be extraordinary circumstances.

MSC: To deny this appeal. (Alivar/Baird: 4-0.)

D. 876 Haight St.

Tenant appealed Hearing Officer's decision which held tenant did not prove landlord's failure to repair nor a reduction in housing services, therefore a reduction in rent was not warranted.

MSC: To deny this appeal. (Baird/Alviar: 4-0.)

E. 915 Franklin St.

Tenant appealed Hearing Officer's decision which found that tenant is obliged to pay a PG&E pass through and a security deposit increase, but which found an eviction notice to be invalid.

MSC: To deny this appeal. (Baird/Alivar: 4-0.)

F. 437 Hyde, 520 Shrader, 3028, 3034 Jackson St.

Consideration of this appeal will be put over one week.

G. 646 O'Farrell St.

Tenant appealed Hearing Officer's decision which held that there was no evidence of a reduction in service nor sufficient evidence of a nuisance at the property address.

MSC: To deny this appeal. (Baird/Fung: 4-0.)

H. 3070 San Bruno

Landlord appealed Hearing Officer's decision which held that landlord's 3-day and 30-day notices were invalid. Hearing Officer also found landlord's failure to repair broken living room window to be a reduction in services assessed at \$1.00 per day.

MSC: To hear this appeal de novo and consolidate this with the eviction hearing. (Baird/Fung: 4-0.)

V. Communications

There were none.

VI. Director's Report

A. The Planning, Housing and Development Committee of the Board of Supervisors sent an amendment to the full Board which proposes that unassisted, unsubsidized HUD housing units would be under the jurisdiction of the Rent Board.

VII. Old Business

- A. The Commissioners reviewed Commissioner Saunders' third draft of the letter which will accompany copies of the Landlord Petition.
- B. Commissioner Saunders presented his review of the annual report.

VIII. New Business

There were none.

IX. Calendar Items

- A. A combined eviction and appeal hearing de novo has been scheduled for August 31, 1982 at 6:00 p.m. regarding the property address at 3070 San Bruno.
- B. An eviction hearing de novo has been set for August 31, 1982 at 6:30 p.m. regarding the property address at 731 Fell St.

X. Adjournment

Vice-President Saunders adjourned the meeting at 6:15 p.m.

8/19/82:ap

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, August 31, 1982 at 5:30 at the State Building 350 McAllister St. #115

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9/31/82

I. Call to Order

President Flynn called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Flynn; Baird; Anderson;
Alternates: Fung; Payne; Curran
Commissioners not Present: Saunders; Alviar; Chinchilla
Staff Present: Hernandez; Lim

Commissioner Duggan appeared on the record at 5:38 p.m.

III. Approval of Minutes

MSC: To approve the minutes of August 24, 1982 as written. (Baird/Anderson: 5-0).

IV. Consideration of Appeals

A. 437 Hyde, 520 Shrader, 3028 and 3034 Jackson

Landlord appealed Hearing Officer's decision which denied a rental increase over 7 percent based upon increased operating and maintenance expenses due primarily to debt service.

MSC: To deny this appeal. (Baird/Anderson: 4-1, Payne dissenting).

V. Communications

A. The Commissioners received copies of a memorandum from the Mayor regarding her state of the city address.

VI. Old Business

A. Debbie Lim reported on a meeting between Susan Francis, Kathryn Pennypacker and two members from HUD. The HUD people informed the Rent Board of what housing projects they foresee the Rent Board will have jurisdiction over as a result of the amendment proposed by the Board of Supervisors.

B. There will be an executive session before the start of next week's Board meeting.

VII. Appeal/Eviction Hearing

A. 3070 San Bruno

This hearing was a result of a report of alleged wrongful eviction by the tenant and an appeal by the landlord at the Hearing Officer's findings of a reduction of services. Present were landlord Charles Lee, his daughter, Yvonne Lee. They were represented by their attorney, Ms. Harriet Ross. Also present were the tenants Jacinto Gosiengfiao and his wife.

MSC: To discuss whether there was an unlawful eviction in public. (Baird/Payne: 5-0).

MSC: To reverse the Hearing Officer as decreased services effective from March 11 and have the money repaid to landlord over the next 5 months. (Curran/Anderson: 5-0).

MSC: To take no action on report of alleged wrongful eviction dated July 28, 1982. (Baird/Payne: 5-0).

VIII. New Business

- A. Commissioner Baird addressed the Board with several of his concerns about the duties and responsibilities of the Rent Board as an appellate body. Ideally, an appellate body should have the administrative record, in this case the tape or a transcript of it. The Commissioners discussed various suggestions on how to deal with complex appeals - having the Hearing Officer present, bringing the tape to the Board meetings, having a summary of the facts of complex cases made up. One resolution was that the packets will be sent to the Commissioners a day earlier.
- B. The issue of whether appealing parties should speak to the Board was raised again. The Commissioners stressed that they must be consistent in their policy. The decision not to let parties speak which was made two weeks ago shall stand.

IX. Calendar Items

- A. There will be an Executive Session of the Board on September 7, 1982 at 5:30 p.m.
- B. Two hearings are scheduled for September 7, 1982:
 1. 1117 De Haro St. at 6:00 p.m.
 2. 196- 27th St. at 6:30 p.m.

X. Adjournment

Commissioner Flynn adjourned the meeting at 8:35 p.m.

City and County of San Francisco

**Residential Rent Stabilization and
Arbitration Board**



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, September 7, 1982 at 5:30 at the State Building 350 McAllister St. #1195

I. Call to Order

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II. Roll Call

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Commissioners Present: Anderson; Baird; Flynn
Alternates: Chinchilla; Fung; Payne
Commissioners not Present: Alviar; Saunders
Staff Present: Hernandez; Francis; Lim

Commissioner Curran appeared on the record at 5:40 p.m.
Commissioner Duggan appeared on the record at 6:05 p.m.

III. Executive Session

The Board went into Executive Session at 5:35 p.m. Members of the public were excused. The Board discussed pending litigation with Deputy City Attorney, Pennypacker. The Board went back on the record at 6:10 p.m.

IV. Consideration of Appeals

A. 2485 Chestnut St.

Landlord appealed Hearing Officer's decision which denied an increase based upon Operating and Maintenance expenses and Comparables. Hearing Officer granted a partial reduction in the 7 percent increase due to alleged failure to maintain. Increase for Capital Improvements was granted.

This appeal will be put over for one week to receive Hearing Officer's comments.

B. 1763 Golden Gate

Landlord appealed Hearing Officer's decision which denied a rent increase in excess of 7 percent and which granted a reduction in services due to neglect of duties by the building manager. Landlord claims the rent increase was part of an agreement reached between Landlord and tenants last year.

MSF: To hear the appeal de novo (Baird/Curran: 2-3, Anderson, Payne, Flynn dissenting.)

MSC: To hear the appeal de novo. (Baird/Curran: 3-2, Anderson and Payne dissenting.)

C. 2149 - 2151 Grove St.

Landlord appealed Hearing Officer's decision which granted an increase over 7 percent for increased Operating and Maintenance expenses and for Debt Service. Hearing Officer did not find extraordinary circumstances as alleged by landlord.

MSW: To deny this appeal. (Baird/Payne)

MSC: To remand for technical corrections to include 7 percent increase for 1982. (Curran/Baird: 4-1, Baird dissenting.)

D. 695- 3rd Avenue #6

Tenant appealed Hearing Officer's decision permitting a rental increase over 7 percent due to an additional person pursuant to a rental agreement.

MSC: To deny this appeal. (Payne/Anderson: 5-0.)

V. Appeal Hearing

A. 196- 27th St.

The Board held an appeal hearing in this matter. Present were landlord Julie Bereson and her son. Also present was tenant Oscar Rimoldi. The Commissioners were able to ascertain from the tenant that he was aware of the 7 percent rent increase guidelines and that he knowingly waived that by agreeing to a higher increase which was based upon comparables.

MSC: That the rent in this matter be set according to the tenant's agreement. (Baird/Curran: 5-0.)

IV. Consideration of Appeals (Cont'd)

E. 69 - 73 Brosnan

Landlord appealed Hearing Officer's decision which granted an increase over 7 percent for Operating and Maintenance, and Capital Improvements. Landlord alleges technical errors in anniversary date and amount for Operating and Maintenance.

MSC: To remand to double check the math on Operating and Maintenance expenses and correct the amount if it is not correct. Also to correct the anniversary date. (Baird/Curran: 5-0.)

F. 530 Lake St.

Landlord appealed Hearing Officer's decision which denied a rent increase based upon Comparables.

MSC: To hear the appeal de novo on the issue of comparables for units #2 and #11. (Case 50-24) (Baird/Curran: 3-2, Anderson and Payne dissenting.)

G. 359 Green St.

Tenant appealed Hearing Officer's decision which granted a rent increase based upon Capital Improvements. Tenant claims her unit is not benefitted by all the improvements.

MSC: To remand this case. (Payne/Anderson: 5-0.)

VI. Remarks from the Public

- A. Tenant from 695- 3rd Avenue addressed the Board and requested the Board's rationale for denying her appeal.
- B. Mary Beth Flower wanted to ask a technical clarification of the Board.. She was told that when a case is remanded the Board cannot discuss the matter.
- C. Don Giverland addressed the Board on making policy directives and Board memoranda more readily available to the public. He also suggested that landlords should be required to file petitions for utility pass-throughs.

VII. Approval of Minutes

MSC: To approve the minutes as corrected. Page 2, New Business, should contain a notation that staff will work with Commissioner Curran to draft a one page summary of recent changes in the Board's Rules and Regulations. (Baird/Anderson: 5-0.)

VIII. Communications

- A. The Executive Director provided the Commissioners with copies of an article in the most recent issue of San Francisco Magazine which referred to Russ Flynn as one of the 76 most powerful persons in San Francisco.
- B. The Board received a letter from Mr. J. Pat Reeves requesting the voting history of the Executive Director while he was a Commissioner.

IX. Director's Report

- A. The HUD Ordinance will go into effect on September 30. The Director reported on what projects will be under the Rent Board's jurisdiction.

- B. The Commissioners received the second draft of the Annual Report. They will have until September 14 to make corrections.
- C. The Executive Director reported on the change in Civil Service classification for some of the staff members.
- D. Hearing Officer's Association representatives will meet with the Executive Director on September 13. The subject of permanent full-time Hearing Officers will be discussed.

X. Old Business

- A. It was suggested that the Commissioners discuss the issue of waiverability sometime in the future and that they should get the City Attorney's opinion.
- B. MSC: To adopt the decision in 3070 San Bruno. (Baird/Anderson: 5-0.)

XI. New Business

- A. The Executive Director raised the question of whether there should be a by-pass mechanism for petitioners who solely assert hardship so that they are heard by the Board rather than the Hearing Officer.

XII. Calendar Items

- A. The appeal hearing for 530 Lake will be scheduled for 7:00 p.m., September 21, 1982.
- B. An eviction hearing for 731 Fell Street will be heard at 6:00 p.m., September 21, 1982
- C. An appeal hearing has been scheduled for 1763 Golden Gate at 6:00 p.m. September 28, 1982.

XIII. Adjournment

President Flynn adjourned the meeting at 8:20 p.m.

City and County of San Francisco

**Residential Rent Stabilization and
Arbitration Board**



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, September 14, 1982 at 5:30 at the State Building 350 McAllister St. #1195

DOCUMENTS DEPT.

I. Call to Order

SEP 20 1982

President Flynn called the meeting to order at 5:40 p.m. **SAN FRANCISCO
PUBLIC LIBRARY**

II. Roll Call

Commissioners Present: Alviar; Baird; Flynn
Alternates: Chinchilla; Curran; Duggan;
Fung; Payne
Commissioners not Present: Saunders
Staff Present: Hernandez; Lim
Commissioner Anderson appeared on the record at 6:05 p.m.

III. Approval of Minutes

MSC: To approve the minutes of September 7, 1982 as corrected. Page 4, XII, Calendar Items, Item C should include ", September 28, 1982." Page 2, V Appeal Hearing, Item A, line 6 should include "which was based upon comparables."

IV. Appeal Consideration

A. 2485 Chestnut

Consideration of this appeal will be put over next week to receive the Hearing Officer's comments.

B. 140 Graystone/Crown Terrace

Landlord appealed Hearing Officer's decision which denied an increase for Capital Improvements pursuant to Section 9.11 of the Rules and Regulations, which requires that landlords seek certification from the Real Estate Department for capital improvements which would result in a rent increase in excess of 10 percent of tenant's rent.

MSF: To deny this appeal. (Payne/Alviar: 2-3, Baird, Chinchilla, and Flynn dissenting.)

MSW: To remand to same Hearing Officer to grant those capital improvements which can be adequately documented, up to 10 percent increase. (Baird/Chinchilla.)

MSC: To accept the appeal and have the same Hearing Officer hold a hearing as a Special Master, have the Hearing Officer report the facts directly to the Board, from which there will be no appeal. (Baird/Chinchilla: 3-2, Flynn and Payne dissenting.)

C. 731 Fell St.

Landlord appealed Hearing Officer's decision which found that the eviction in this matter was not in good faith but which recommended that no further action be taken in this matter.

MSC: To consolidate the appeal with the Eviction hearing next week. (Payne/Anderson: 5-0.)

D. 840 California

Landlord appealed Hearing Officer's decision which dealt with terminating tenancy of an apartment manager, and validity of an agreement which stated manager was to vacate by a certain date. Manager was to pay increased rent for remainder of tenancy. In the event agreement was invalid, landlord sought \$400 rent increase based upon comparables. Hearing Officer found that agreement was entered into under coercion and that the rent should remain at its original rate.

MSC: Remand to new Hearing Officer. (Baird/Alviar: 4-1, Anderson dissenting.)

E. 1407 Jackson St.

Landlord appealed Hearing Officer's decision which denied an increase based upon comparables, capital improvements and claims of hardship. Hearing Officer granted an 11 percent rent reduction due to decreased services and failure to maintain the building.

MSC. To remand to the same Hearing Officer with instructions to specify what particular services the landlord is to restore to the tenants. Also upon proper notice to the Hearing Officer, the landlord shall be given the opportunity to show that the services have been restored. Also a technical correction with respect to the rent of Mr. Chou. (Baird/Payne: 5-0.)

F. 2178 Bush St.

Landlord appealed Hearing Officer's decision which held that tenant's premises is covered by the Rent Ordinance as a residential unit, as stated in a prior lease, even though unit is zoned as C-2 and tenant conducts nominal commercial activity in the units. Hearing Officer also held that a rent increase in excess of 7 percent null and void. Landlord asserts Rent Board has no jurisdiction over commercial units.

MSC: To deny this appeal. (Payne/Anderson: 5-0.)

2) denied an increase based upon increased Operating and Maintenance expenses;
3) granted an increase based upon Capital Improvements;
4) granted a 7 percent increase.

Landlord alleges abuse of discretion in denying an Operating/Maintenance and Comparables increase.

MSC: To deny both landlord's and tenant's appeal.
(Baird/Saunders: 5-0.)

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V. Appeal Hearing

A. 530 Lake St.

Present at this appeal hearing were Mr. Jerry Rosenberg the landlord. He was represented by his attorney, Burch Fitzpatrick. Also appearing on his behalf as an expert witness was Dan Brady. Appearing on behalf of the tenants was their representative Mr. Brent Kato. The appeal dealt with the issue of comparable rents for units #2, and 11. Tenants representative stipulated that the rent were below comparable rents. He maintained that any increase based upon comparables would be limited pursuant to section 6.10(c). Landlord alleged sec. 6.10(c) could not be applied constitutionally in this case.

MSC: To fix the rents for units #2 and #11 according to 6.11(a) (at the old Rules and Regulations), which would be \$207.07. This shall be retroactive to February 1, 1982. Arrearages shall be paid back over the next 4 months, at \$25.20 each month, effective October 1, 1982. (Baird/Saunders: 5-0.)

B. 731 Fell St.

Present at this combined eviction hearing and appeal de novo were the landlord, Mr. Bruce Ruppel, and his attorney, Mr. Theodore Bayer. Representing the tenants was Mr. Daniel Berko. Parties informed the Commissioners of pending litigation regarding this matter.

MSC: In light of pending litigation, the Hearing Officer's report shall be deemed to be an informal statement. The Board shall not adopt the Hearing Officer's findings and shall take no further action in this case.

VI. Communications

A. The Board received a letter from Hastings College of the Law stating their belief that a building owned by Hastings is not covered by the Rent Ordinance. The letter was in response to a notice of Summary Petition.

X. Calendar Items

- A. Appeal/Eviction hearing for 731 Fell at 7:00 p.m. next week.
- B. Appeal hearing for 530 Lake at 6:00 p.m. next week.
- C. Appeal hearing for 1763 Golden Gate at 6:00 p.m. September 28, 1982.

XI. Remarks from the Public

None

XII. Adjournment

President Flynn adjourned the meeting at 7:30 p.m.

9/15/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, September 21, 1982 at 5:30 at the State Building 350 McAllister St. #1195

DOCUMENTS DEPT.**I. Call to Order****SEP 23 1982**

President Flynn called the meeting to order at 5:40 p.m.

**SAN FRANCISCO
PUBLIC LIBRARY****II. Roll Call**

Commissioners Present: Alviar; Anderson; Baird; Flynn; Saunders
Alternates: Chinchilla; Duggan

Commissioners not Present: Fung

Staff Present: Hernandez; Lim; Astle

Commissioner Curran appeared on the record at 5:50 p.m.

Commissioner Payne appeared on the record at 6:15 p.m.

III. Approval of Minutes

MSC: To approve the minutes of September 14, 1982 as corrected, page 3, Director's Report, Item D, shall read "Steve Carp has indexed another 800-plus cases. The current total, approximately 1,800, nearly completes cases for the first year. The minutes of September 14, shall be amended to reflect that the appeal de novo between parties regarding 1117 De Haro had been settled. (Baird/Alviar: 5-0.)

IV. Consideration of Appeals**A. 2485 Chestnut St.**

Landlord appealed Hearing Officer's decision which found the following:

- 1) Current rents for subject units were not significantly less than comparable units in the same general area;
- 2) Landlord failed to meet her burden of proof regarding Operating and maintenance expenses;
- 3) Capital Improvement increases were justified by landlord;
- 4) Landlord failed to perform ordinary maintenance and repair, resulting in only a 3.5 percent rather than 7 percent rent increase for three months or until the problems were corrected.
- 5) Rent for a tenant's garage was included in his overall rent and subject to the same guidelines.

In the appeal, landlord seeks technical corrections in the 7 percent rent increase for the tenant with a garage, in the capital improvement increase for window and in what the tenants' rent should be. Landlord also alleged a rent reduction should not have been granted based upon failure to maintain.

MSW: To remand to a new Hearing Officer on the issues raised in the appeal. (Anderson/Saunders)

MSC: To accept the appeal de novo. (Baird/Saunders: 4-1, Anderson dissenting)

B. 3320 Octavia St.

Landlord appealed Hearing Officer's decision in remand, which was a technical correction of the previous decision.

- 1) Hearing Officer held a tenant's original rent to be less than what landlord claimed.
- 2) Operating and Maintenance expenses were recalculated to include a stipulated amount as well as estimates in expenses for the first twelve month period since the prior owner did not have documentation available.
- 3) Tenant's received 30 percent rent increases based upon Operating and Maintenance expenses. Rent increases for other tenants were either disallowed pursuant to the former 6.10(a)(1) or restricted to 7 percent at the anniversary date.

Landlord's grounds for appeal were numerous technical corrections in the decision, alleged extraordinary circumstances due to a long history of no rent increases.

MSC: To excuse Commissioner Anderson from consideration of this appeal. (Baird/Saunders: 5-0.)

MSF: To accept the appeal on the record for the purpose of correcting tenant Heath's rent to the proper level according to the debt service guidelines. (Baird/Alviar: 2-3, Chinchilla, Flynn and Saunders dissenting.)

MSC: To hear the case do novo on the issue of extraordinary circumstances. (Saunders/Chinchilla: 5-0.)

C. 322 Bridgeview

Landlord appealed Hearing Officer's decision which:

- 1) denied a rent increase based upon comparables;

- 2) denied an increase based upon increased Operating and Maintenance expenses;
- 3) granted an increase based upon Capital Improvements;
- 4) granted a 7 percent increase.

Landlord alleges abuse of discretion in denying an Operating/Maintenance and Comparables increase.

MSC: To deny both landlord's and tenant's appeal.
(Baird/Saunders: 5-0.)

V. Appeal Hearing

A. 530 Lake St.

Present at this appeal hearing were Mr. Jerry Rosenberg the landlord. He was represented by his attorney, Burch Fitzpatrick. Also appearing on his behalf as an expert witness was Dan Brady. Appearing on behalf of the tenants was their representative Mr. Brent Kato. The appeal dealt with the issue of comparable rents for units #2, and 11. Tenants representative stipulated that the rent were below comparable rents. He maintained that any increase based upon comparables would be limited pursuant to section 6.10(c). Landlord alleged sec. 6.10(c) could not be applied constitutionally in this case.

MSC: To fix the rents for units #2 and #11 according to 6.11(a) (at the old Rules and Regulations), which would be \$207.07. This shall be retroactive to February 1, 1982. Arrearages shall be paid back over the next 4 months, at \$25.20 each month, effective October 1, 1982. (Baird/Saunders: 5-0.)

B. 731 Fell St.

Present at this combined eviction hearing and appeal de novo were the landlord, Mr. Bruce Ruppel, and his attorney, Mr. Daniel Berko. Parties informed the Commissioners of pending litigation regarding this matter.

MSC: In light of pending litigation, the Hearing Officer's report shall be deemed to be an informal statement. The Board shall not adopt the Hearing Officer's findings and shall take no further action in this case.

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V. Communications

- A. The Board received a letter from Hasting College of the Law stating their belief that a building owned by Hastings is not covered by the Rent Ordinance. The letter was in response to a notice of Summary Petition.

B. The Board received copies of a Continuing Education of the Bar brochure, advertising a Rent Control panel with former Board President Lee Cole-Chu.

VII. Director's Report

- A. The Planning, Housing and Development Committee of the Board of Supervisors passed proposed amendments to the Rent Ordinance's Eviction Section. The proposed amendments will go before the full Board for its first reading.
- B. The Rent Board will be accepting H.U.D. rent increase petitions for increases effective October 1, 1982.
- C. The Executive Director informed the Board that Stonestown will be filing landlord petitions for their 14 buildings. Copies of the petition will include the hearing date to streamline the process. The Executive Director and the Board discussed possible problems with HUD petitions and concluded that a policy directive may be necessary rather than a change in the Rules and Regulations as the City Attorney recommends. The Executive Director also asked the Board's opinion on behalf of Stonestown as to whether debt service could be eliminated from Stonestown's Operating and Maintenance increase requests. The Board's opinion was Stonestown must include debt service in Operating and Maintenance, pursuant to the Rules and Regulations.

VIII. Old Business

- A. Commissioner Anderson and other Commissioners proposed several changes and improvements in the annual report, which Commissioner Saunders will attempt to incorporate in his final draft.

IX. Calendar Items

- A. An appeal hearing de novo will be held on October 5, 1982 at 6:00 p.m. for 3320 Octavia.
- B. An appeal hearing de novo will be held on October 19, 1982 at 6:00 p.m. for 2485 Chestnut.

X. Remarks from the Public

None

XI. Adjournment

President Flynn adjourned the meeting at 8:20 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, September 28, at 5:30 p.m. at the State Building 350 McAllister St. #1195

DOCUMENTS DEPT.

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SAN FRANCISCO
PUBLIC LIBRARY

I. Call to Order

Vice-President Saunders called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Anderson, Saunders

Alternates: Chinchilla, Duggan, Fung, Payne

Commissioners not Present: Alviar, Baird

Staff Present: Hernandez, Lim, Astle, Burger, Harrington

Commissioner Curran appeared on the record at 5:40 p.m.

Commissioner Flynn appeared on the record at 5:43 p.m.

Commissioner Curran went off the record at 7:30 p.m.

Commissioner Anderson went off the record at 7:40 p.m.

III. Approval of Minutes

MSC: To approve the minutes ^{9/21} as corrected. Page 3, V Appeal Hearing, Item B, should read, "Present at this combined eviction hearing and appeal de novo were the landlord, Mr. Bruce Ruppel and his attorney Mr. Theodore Bayer. Representing the tenant was Mr. Daniel Berko. Page 3, Communications, should have been numbered VI, rather than V. (Anderson/Duggan: 4-0.)

IV. Consideration of Appeals

A. 2578 Folsom St.

Tenants appealed Hearing Officer's decision which held that the building in which tenants reside has been owner-occupied since March 1982. Hearing Officer also held that the rental increase over 7 percent was proper.

MSC: To deny this appeal. (Anderson/Fung: 5-0.)

B. 440 Hyde St.

Landlord appealed Hearing Officer's decision which found that inadequate heating and lack of a door bell system were reductions in service. Hearing Officer, in an amended decision ordered a \$5.00 decrease from the base rent of \$187.25 and that upon supply of adequate heat, landlord can receive a 7 percent increase.

MSC: To deny this appeal. (Curran/Anderson: 4-1, Flynn dissenting.)

C. 1230 Hyde St.

Landlord appealed Hearing Officer's decision which denied an increase in excess of 7 percent for tenant and which granted a reduction in rent for past services rendered which were not compensated. Landlord contends that tenant received an apartment and reduced rent for services rendered as building manager, and that the Rent Board has no jurisdiction over employment matters. Tenant argues he is a rent paying tenant.

MSC: To remand to Hearing Officer for technical corrections regarding the \$90.00 payment for services. (Saunders/Duggan: 5-0.)

V. Appeal Hearing

A. 1763 Golden Gate

Present at the appeal hearing were tenants James Reed and Kathleen McKnight representing themselves. Tenant Gable Duplechain was a party to this hearing but was not present. One of the landlords, James Bacon, represented himself. The first issue discussed at the hearing was the validity of a prior contract between landlords and tenants regarding a 65% incremental increase in rent over a year's time. The other issue was an alleged decrease in housing services. Parties present stipulated that there was a contract between themselves. Tenants also stipulated to abide by the contract and landlord stipulated to paint, carpet and do specific repairs for both tenants. Tenants stipulated to the above agreement. Landlord indicated that the same agreement would be extended to the Duplechains.

VI. Communications

- A. The Rent Board received a letter from Alison Brennan - Kwasnik and Jim Faye regarding some concerns over submission of evidence in arbitration hearings.
- B. The Board received a copy of the amendments to Section 37.9 of the Rent Ordinance, dealing with evictions.
- C. The Board received a letter written by David Moon of the District Attorney's Office recommending that the eviction section of the ordinance be strengthened.
- D. The Board received a letter from Cheryl de la Mere regarding a recent denial of an appeal.

VII. Director's Report

- A. There was no report.

DOCUMENTS DEPT.

VIII. Old Business

None

OCT 8 1982

SAN FRANCISCO
PUBLIC LIBRARY

IX. New Business

None

X. Calendar Items

- A. An appeal de novo for 3320 Octavia on October 5, 1982 at 6:00 p.m.
- B. An appeal de novo for 2485 Chestnut on October 19, 1982 at 6:00 p.m.

XI. Remarks from the Public

None

XII. Adjournment

President Flynn adjourned the meeting at 8:35 p.m.

9/29/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 5, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

DOCUMENTS DEPT.

OCT 8 1982

SAN FRANCISCO
PUBLIC LIBRARY

II. Roll Call

Commissioners Present: Anderson; Flynn; Saunders
Alternates: Chinchilla; Curran; Duggan;
Fung; Payne
Commissioners not Present: Alviar; Baird
Staff Present: Hernandez; Lim; Beaufait

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page 2, IV Consideration of Appeals, Item C, Dugan shall be corrected to Duggan. Page 2, V. Appeal Hearing Item A, line 2 shall include the following: Tenant Gable Duplechain was a party to this hearing but was not present. Line 10 shall include the following: Tenants stipulated to the above agreement. Landlord indicated that the same agreement would be extended to the Duplechains. (Saunders/Anderson: 5-0.)

IV. Consideration of Appeals

A. 1189 Valencia

Consideration of this appeal will be put off until next week.

B. 4346- 3rd St. #1

Landlord appealed Hearing Officer's decision which found a decrease in housing services and an appearance of a retaliatory eviction. Hearing Officer ordered landlord to repay tenant \$189.21 in excess rent collected. Landlord alleges never receiving notice of hearing.

MSC: To remand to new Hearing Officer. (Saunders/ Curran: 5-0.)

C. 1699 Oak Street

Tenant appealed Hearing Officer's decision which granted a rental increase based upon capital improvements. Tenant contends that landlord did not meet his burden of proof.

MSC: To deny this appeal. (Saunders/Duggan: 5-0.)

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D. 1035 Scott

Tenant appealed Hearing Officer's decision which held that a notice of change in the terms of tenancy which contained a typographical error in the amount of rent did not change the amount of rent due. Hearing Officer ordered tenant to pay back the rent.

MSC: To deny this appeal. (Curran/Flynn: 5-0.)

V. Communications

A. The Commissioners received a copy of a letter from the City Attorney with a billing for the City Attorney's services. The amount requested is \$38,000 for the year.

VI. Director's Report

A. The Executive Director informed the Board that the City wishes to have its agencies receive ad valorum funds rather than OCD grants. The Rent Board has made a request for supplemental ad valorum funds. This amount will cover the OCD grant and an increase for Hearing Officers.

VII. Consideration of Alleged Wrongful Evictions

DOCUMENTS DEPT.

The considerations will be put over for one week. OCT 15 1982

VIII. Appeal Hearing

SAN FRANCISCO
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A. 3320 Octavia St.

This was an appeal by the landlord of the Hearing Officer's decision. The issue at the appeal de novo was limited to whether extraordinary circumstances existed in this case. Present at the hearing was Mr. John Fox. He was represented by his attorney, Marjorie Holmes. Representing the tenant were Michael Wong and Marie Jobling. Present were members of Old St. Mary's Housing Committee and several of the tenants. Ms. Holmes' presentation dealt with the theory that the tenant rental history constituted extraordinary circumstances. The tenants' representatives argued that extraordinary circumstances is a limit on operating and maintenance expenses and that tenant rent history is not a consideration under operating and maintenance. Mr. Fox was in attendance but did not speak.

MSC: To excuse Commissioner Anderson from consideration of this appeal. (Duggan/Curran: 5-0.)

MSC: To uphold the Hearing Officer's findings. (Chinchilla/Curran: 4-1, Flynn dissenting.)

IX. Old Business

There were none.

X. New Business

- A. A concern was raised by Commissioner Anderson regarding Board action on evictions. This concern will be discussed next week.
- B. Commissioner Curran requested a copy of the eviction amendments before the Board of Supervisors.

XI. Calendar Items

- A. An appeal hearing has been scheduled for 2485 Chestnut St. on October 19 1982 at 6:00 p.m.

XII. Remarks from the Public

None

XIII. Adjournment

President Flynn adjourned the meeting at 8:00 p.m.

10/6/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 12, 1982, at 5:30 p.m. at the State Building 350 McAllister St. #1195

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I. Call to Order

DOCUMENTS DEPT.

OCT 15 1982

SAN FRANCISCO
PUBLIC LIBRARY

II. Roll Call

Commissioners Present: Alviar; Baird; Flynn; Saunders;
Alternates: Chinchilla, Duggan, Payne
Commissioners not Present:
Staff Present: Hernandez; Lim; Corman

Commissioner Fung appeared on the record at 5:37 p.m.
Commissioner Curran appeared on the record at 5:40 p.m.
Commissioner Anderson appeared on the record at 6:10 p.m.

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page two
VII, Consideration of Alleged Wrongful Evictions,
line 1, should be corrected to "the considerations
will be put over for one week". VIII, Appeal
Hearing, Item A, line 3 should be corrected to
Mr. Fox was in attendance but did not speak.
Line 7 shall read Ms. Holmes' presentation dealt
with the theory....(Baird/Alviar: 5-0.)

IV. Consideration of Appeals

A. 20 Dorland

Landlord appealed Hearing Officer's decision which denied rental increases requested for comparables, operating and maintenance, and capital improvements. Landlord alleges failure of Hearing Officer to consider comparables and that the Hearing Officer conferred tenant status to tenant's guest.

MSC: To deny this appeal. (Baird/Alviar: 5-0.)

B. 2120 Pacific Ave.

Landlord appealed Hearing Officer's decision which denied a rental increase based upon operating and maintenance expenses. The Hearing Officer also denied a utility pass-through due to inadequate documentation.

MSC: To accept de novo on the issue of operating and maintenance expenses. (Alviar/Baird: 5-0.)

C. 115 Julian St.

Tenant appealed Hearing Officer's decision which permitted landlord to raise the rent \$25.00 per month for each additional tenant. Tenant recently had two children.

MSC: To remand to a new Hearing Officer. The Board finds, based on the written record, a material term of the tenancy was that there would be a \$10.00 increase in rent for each new occupant. The landlord is entitled to \$10 monthly increase for each additional occupant and a 7% rental increase at the anniversary date. (Baird/Saunders: 5-0.)

D. 2566 Washington

Landlord appealed Hearing Officer's decision which denied an increase based upon operating and maintenance expenses because landlord did not comply with the regulations. An increase was granted based upon capital improvements.

MSC: To excuse Commissioner Flynn from consideration of this appeal. (Baird/Alviar: 5-0.)

MSC: To remand for a new hearing. (Baird/Alviar: 4-1, Anderson dissenting.)

E. 1189 Valencia

Landlord appealed Hearing Officer's finding that landlord's attempt to recover tenant's unit was not in good faith.

MSC: To deny this appeal. (Anderson/Alviar: 5-0.)

V. Consideration of Alleged Wrongful Evictions

1. 3098 California St. #27

Tenant received a three-day notice to pay or quit based on a \$295.00 per month rental increase, raising her rent from \$300.00 to \$595.00. Tenant alleged she agreed to this under coercion and duress. The Hearing Officer agreed with tenant's contentions and found that the landlord was attempting an unlawful eviction. This landlord has had a number of cases regarding unlawful rent increases and evictions before the Board.

MSC: To accept at the Board level. (Flynn/Baird: 4-1, Anderson dissenting.)

2. 2790 Pine St. #3

This tenant has been actively involved in organizing other tenants regarding previous rent board hearings concerning rent increases

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#2
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imposed by the landlords. Although properly noticed, neither landlords nor their representatives appeared at the hearing. Hearing Officer found that the landlords' attempted eviction of tenant for the alleged use of a relative was, in fact, retaliatory and was not pursued in good faith or with honest intent.

MSC: To adopt the staff recommendation to draft and send a letter to the landlord warning of possible criminal prosecution if they continue their attempt to evict tenant. (Alviar/Baird: 5-0.)

3. 1274 Hampshire

Tenant received a notice to vacate on March 5, 1982 on the grounds that the landlord wished to remodel the premises. Landlord was sent a notice from this office stating that the tenant may have the right to re-occupy the unit. Tenant vacated the unit on May 15, 1982 and landlord re-let it to new tenants in June 1982 without making any repairs. The Hearing Officer found this to be a wrongful eviction.

MSC: To adopt the staff recommendation to refer the matter to the District Attorney. (Baird/Saunders: 5-0.)

4. 2649 Harrison

Tenant received a notice to vacate on the grounds that landlord wished to make repairs in his apartment. Hearing Officer found that the eviction was unlawful as landlord had not received the necessary permits.

MSC: To adopt the staff recommendation to take no further action in this case. (Alviar/Baird: 5-0.)

5. 345 Hyde St.

Tenant received a 30-day notice to vacate on the grounds that she constituted a nuisance to other tenants. The Hearing Officer found that the landlord could not substantiate the nuisance allegation.

MSC: To not adopt the Hearing Officer's findings and to take no action in this case. (Baird/Saunders: 5-0.)

6. 1436 Waller

Tenant was served with three-day and thirty day notices after making repeated complaints to landlord regarding a leaking roof. Hearing Officer found the eviction unlawful and in retaliation for making the complaints.

MSC: To adopt the staff recommendation to take no further action but to monitor the landlord closely for other complaints. (Baird/Saunders: 5-0.)

VI. Communications

- A. The Board received a letter from Marjorie Holmes informing the Board that a Writ will be filed regarding 3320 Octavia.
- B. The Board received a copy of a letter written by Skyline Realty regarding taking advantage of the owner-occupied exemption.

VII. Director's Report

- A. A training session for new and present hearing officers has been scheduled for October 16, 1982 from 9 a.m. to 3 p.m. At 3 p.m. there will be a wine and cheese reception. The Board is welcome to attend.
- B. The Rent Board finally received printed copies of the Ordinance containing the RAP and HUD amendments.

VIII. Old Business

- A. The annual report will be issued January 1, 1982 and will contain sections on RAP and HUD.
- B. There was a discussion among Board members and the Executive Director about the length of Commissioners' terms.

IX. Calendar Items

- A. There will be an appeal de novo on October 19, 1982 on 2485 Chestnut St. at 6:00 p.m.
- B. There will be an appeal hearing October 26, 1982 on 2120 Pacific at 5:45 p.m.
- C. There will be an eviction hearing October 26, 1982 on 3098 California at 7:00 p.m.

X. Remarks from the Public

None

XI. Adjournment

President Flynn adjourned the meeting at 7:25 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, October 19, 1982 at 5:30 p.m. at the State Building

350 McAllister St. #1195

I. Call to Order

President Flynn called the meeting to order at 5:40 p.m.

II. Roll Call

Commissioners Present: Alviar, Baird, Flynn
Alternates: Chinchilla, Curran, Duggan,
Fung, Payne
Commissioners not Present: Anderson, Saunders
Staff Present: Hernandez, Lim, Astle

III. Approval of Minutes

MSC: To approve the minutes as corrected. Page 3,
V Consideration of Alleged Wrongful Evictions,
Item 5, the motion shall be corrected to read
"to not adopt the Hearing Officer's findings
and to take no action in this case."

IV. Consideration of Appeals

There were none.

V. Communications

A. The Board received a brochure from the Pacific Management company on a seminar dealing with how to be a better commissioner.

B. Commissioner Flynn received a letter from Mr. Jack Klein, who complained about procedures in a recent hearing.

C. MSC: To have a hearing de novo on 140 Graystone/
147 Crown Terrace including all pending appeals
with Jack Klein. (Baird/Payne: 5-0.)

VI. Director's Report

A. The Executive Director reported on the training session for old and new hearing officers which was held Saturday, October 16, from 9:00 a.m. to 3:00 p.m. The session went very well and the new hearing officers appeared to be very sharp.

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VII. Old Business

A. Regarding the eviction matter at 2790 Pine Street, the Board was informed that the landlord has served the tenant with an unlawful detainer. The Board has signed a letter to the landlord warning him of the consequences of his action.

VIII. Appeal Hearing

A. 2485 Chestnut

Appearing at this hearing were the landlord's representatives Bernice Lindstrom, her brother and her husband. Also present were 17 tenants. Two of the tenants, Helen Ross and Walter Thompson were represented by Alison Brennan-Kwasnik. Several of the other tenants spoke on their own behalf. The issues presented at the hearing pertained to whether there was a failure to repair the following conditions: backed up sinks, leaks in ceiling, no control over the heating unit.

MSC: That the Hearing Officer's opinion be modified in accordance with the technical corrections raised in landlord's appeal; that the reduction of 3.5% in rent for three months be paid back to the landlord; that in all other respects, the opinion of the Hearing Officer be affirmed. (Baird/Flynn: 3-2, Alviar and Chinchilla dissenting.)

IX. Adjournment

President Flynn adjourned the meeting at 7:40 p.m.

10/20/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 2, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

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2/82

II. Roll Call

Commissioners Present: Saunders, Flynn

Alternates: Duggan, Payne

Commissioners not Present: Alviar, Anderson, Chinchilla, Fung

Staff Present: Corman

Commissioner Baird appeared on the record at 5:35 p.m.

Commissioner Curran appeared on the record at 5:37 p.m.

III. Approval of Minutes

MSC: To approve the minutes of October 26, 1982 as written. (Duggan/Saunders: 3-0.)

IV. Communications

The Director received a letter from Ms. Esther Lerner, attorney for Dr. W. A. Federal, regarding the situation at 3098 California Street. The Board decided that a response was not appropriate at this time, and it will wait to see what occurs over the next two weeks.

V. Old Business

President Flynn signed a letter on behalf of the Board to be sent to Ron Graybeal owner of the property at 1436 Waller Street concerning his attempts to evict the tenant, Philip Curatola. Mr. Graybeal was warned that the case would be referred to the District Attorney unless he desisted in his attempts to evict the tenant.

VI. New Business

A. Commissioner Curran presented the Board with a summary of the issues presented at the previous week's meeting, and suggested that it be distributed to the Hearing Officers as a means of facilitating communication between the Board and Hearing Officers. The Board felt that it would be preferable to issue policy statements. Commissioner Curran agreed to prepare policy directives on these issues for the next meeting.

B. Commissioner Baird raised the possibility of forbidding representation by attorneys before the Board. A brief discussion ensued, and

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the prevailing attitude was that attorneys should be permitted, but parties encouraged to undertake their own representation wherever feasible.

VII. Calendar Items

No hearings scheduled. Commissioner Flynn and Saunders announced they would be absent from next week's meeting.

VIII. Adjournment

President Flynn adjourned the meeting at 6:20 p.m.

11/3/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 9, 1982, at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

DOCUMENTS DEPT.

Commissioner Alviar called the meeting to order at 5:45 p.m. NOV 23 1982

II. Roll Call

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Commissioners Present: Alviar, Anderson
Alternates: Duggan, Curran, Chinchilla, Fung

Commissioners Not Present: Payne, Saunders, Flynn
Staff Present: Hernandez, Francis, Wolf, Corman, Audet, Astle, Sheppard, Henley

Commissioner Baird appeared on the record at 5:52 p.m.

III. Approval of Minutes

MSC: To approve the minutes of November 2, 1982 as written. (Duggan/Fung: 4-0)

IV. Consideration of Appeals

A. 8 Third Avenue

Commissioner Baird is excused from consideration of this appeal. Landlord filed a petition requesting that the Board ratify an agreement between the parties to increase the rent from \$750 per month to \$1500 per month. Hearing Officer Ruth Astle felt it was not within her jurisdiction to approve the waiver, although both parties had agreed. Landlord appealed.

MSC: To accept the appeal with instructions to be given to the parties that the increase is allowed unless notification is received by the Board within two weeks that a hearing is required. A written statement from both the landlord and tenant has been requested. (Duggan/Alviar: 4-0.)

B. 80 - 90 Alta Vista

The landlord filed a petition requesting increases for twelve tenants based on capital improvements. The tenants appeared at the hearing, but the landlord stated in his appeal that he had requested a postponement because he was out of town. There was nothing in the file to indicate a postponement had been requested, or granted.

MSC: To deny the appeal without prejudice to the landlord to file another petition (Anderson/Alviar: 4-0)

C. 2018 - 2018 A Laguna Street

Landlord filed petition subsequent to giving notices of increase based on capital improvements. Original increases were to go into effect in May, but Hearing Officer Ruth Astle stated in her decision that new notices of increase must be given to coincide with anniversary dates of September 1. Also, Hearing Officer did not grant interest which was requested at the hearing at which no tenants appeared. Landlord appealed.

MSC: To deny this appeal (Alviar/Anderson: 4-0)

D. 2240 Larkin Street

Tenant filed a petition based on decrease in services, but did not appear at the hearing. The Hearing Officer dismissed the case, and the tenant appealed saying that he did not receive notice. Landlord appealed.

MSC: To deny this appeal (Anderson/Fung: 4-0)

E. 140 Graystone, #1, 5, 7, 8

The consideration of these appeals shall be continued until later in the agenda.

F. 161 Jordan Avenue

The landlord filed a petition requesting increases for capital improvements which were granted by Hearing Officer Sam Haskins. The Hearing Officer did not grant an additional \$50 per month increase for one unit based on an additional person as the tenants' original agreement was for two persons. Landlord appealed this portion of the decision.

MSC: To deny this appeal (Alviar/Anderson: 4-0)

V. Communications

- A. A letter from the tenants of 1334 - 1336 Willard Street was received by the Board regarding the Real Estate certification process, specifically dealing with the amortization of exterior painting.
- B. Don Hesse of the Human Rights Commission sent the Board a letter regarding the allowance of rental increases when a new child is born. The staff will meet with Mr. Hesse to discuss this issue further.
- C. A letter was received from Esther Lerner ^{reg} regarding the status of 3098 California Street.
- D. Ms. Josephine Fisher wrote a letter to the Mayor complementing the Rent Board staff.

VI. Director's Report

A. 1945 Pacific

Staff presented a letter written by Gilbert T. Graham an Attorney representing 2 former tenants at 1945 Pacific. Mr. Graham was requesting that a hearing be held regarding the landlord's imposition of a rent increase of \$65.00 per month in January, 1981. The tenants' contention is that the increase was based on a property tax increase caused by a transfer of ownership of the property which did not result in a change in the beneficial ownership of the property. Tenants further contend that they did not protest the increase before this time due to alleged misrepresentations made by the landlord. The Board decided to defer consideration of this matter to the next meeting.

VII. Consideration of Allegations of Wrongful Eviction

A. 867 Fell Street

Tenant: Alexander Onopiuck

Landlord: Agusta Varakin; Walter Varakin

In March, 1982, tenant filed a petition for Arbitration concerning a proposed 50% increase in his rent. On June 2, 1982, the Hearing Officer, Alicia Wicks, granted a 14% increase. Landlord's appeal of this decision was denied. On June 30, 1982, tenant was served with a 30 day notice to vacate on the grounds that Walter A. Varakin, landlord's son, who is also an Attorney, was to occupy the premises. The Hearing Officer found that the landlord and her son were not acting in good faith or with honest intent, but were retaliating against tenant for protesting the attempted rent increase.

Landlord has filed an unlawful detainer against the tenant, but has not yet set the case for trial. Tenant is represented by an Attorney.

MSC: To send a letter to the parties stating that if the landlord proceeds with the eviction the matter will be referred to the District Attorney for criminal prosecution
(Alviar/Fung: 4-0)

B. 2185 O'Farrell Street

Tenant: Elena Sadek

Landlord: Agusta Varakin; Walter Varakin

Tenant, an 80 year old woman, filed a petition in March, 1982, protesting a proposed rent increase from \$160.00 to \$225.00 per month. The Hearing Officer denied the increase as tenant had already received and paid two rent increases within the prior 2 months.

Within 30 days of issuance of this decision, tenant received a notice to vacate alleging she breached a covenant of the tenancy by having a dog. This was served despite the fact that tenant has never had a written agreement with the landlord which forbade pets on the premises, and that tenant had kept at least one dog during her entire occupancy. The Hearing Officer found that this attempted eviction is unlawful and in retaliation for the filing of the petition.

As with the other tenant, an unlawful detainer action has been filed, but not set for trial. Tenant is represented by an Attorney.

MSC: To send a letter to the parties stating that if the landlord proceeds with the eviction the matter will be referred to the District Attorney for criminal prosecution.
(Alviar/Fung: 4-0)

C. 665 Fillmore, #2

Tenant: Oren Cormier

Landlord: Richard Harris and Nolan Wong

In June, tenant filed a petition protesting proposed increases in rent from \$206.00 to \$338.00 per month. The Hearing Officer's decision, rendered August 12, only allowed the landlord a 7% increase to \$220.42 per month and ordered a \$171.00 credit for overpaid rent.

After the decision was mailed, the landlord, Richard Harris, made a number of calls to staff protesting the decision. When told of his right to appeal, Mr. Harris resorted to threats and profanities and proved extremely uncooperative. No appeal of this decision was ever filed.

On August 30, tenant was served with a 30 day notice to vacate on the grounds that Mr. Harris wished to occupy the unit. A hearing was held on October 5, which the landlord failed to attend. On October 12, prior to the Hearing Officer's decision being rendered, landlord served tenant with a 3 day notice to pay rent or quit demanding the sum of \$789.00 (\$263.00 per month for August, September and October). This notice clearly contravened the earlier decision setting tenant's rent at \$220.42 per month.

Based on the foregoing, the Hearing Officer found that the landlord was acting in bad faith and with retaliatory motives in serving the 30 day notice to vacate on tenant.

MSC: To follow staff recommendation and refer the matter to the District Attorney for criminal investigation (Anderson/Alviar: 4-0)

VIII. Remarks from the Public

Anne Caloff, one of the tenants of 1334-36 Willard Street addressed the Board regarding Real Estate certification of exterior painting and other capital improvements.

IX. Appeal Hearing

A. 147 Crown Terrace, 140 Graystone Terrace, #2, 7, 8, 9

This appeal was filed by the landlord regarding a hearing held on July 14, 1982. Appearances were by Jack and Elisa Klein, the landlords. The tenants did not appear. Mr. Klein stated that the tenants of units 2 and 9 have vacated and are therefore no longer at issue.

The landlord based his appeal on the fact the Hearing Officer, Harriet Sheppard, did not grant increases based on alleged capital improvements because the increases requested would have exceeded the tenants' base rent by more than 10%. Mr. Klein appealed on other grounds also, but the Board accepted this appeal limiting it only to capital improvements.

At the hearing Mr. Klein submitted documentation to justify the increase. Commissioner Curran and Ms. Francis will review the evidence and render a written report for the Board. A decision will be rendered within 45 days.

IV. Consideration of Appeals (Cont.)

A. 140 Graystone, #1, 5
B. 140 Graystone, #8, 2

Landlord appealed decisions rendered by two different Hearing Officers which essentially denied the increases because the landlord refused to submit evidence of capital improvements at the time of the hearing.

MSF: To grant this appeal
(Anderson/Fung: 2-2-Anderson, Alviar: No).

MSF: To deny this appeal
(Anderson/Alviar: 2-2-Baird, Fung: No).

This appeal shall be reconsidered on November 16, 1982.

X. Old Business

A. A letter was received from Ron Graybeal regarding a complaint of alleged wrongful eviction. This correspondence will be forwarded to the District Attorney who is already investigating this matter.

- B. Staff discussed certain problems regarding the Real Estate Certification process. The Board will consider this issue at its meeting of November 30, 1982.
- C. Commissioner Curran submitted proposed policy directives regarding legal fees and operating expenses. These proposals will be discussed by the Board on November 16.
- D. The Petition for Writ of Mandate regarding 530 Lake Street was heard before Judge Pollack on November 8, 1982. The Judge has taken the matter under submission.

XI. New Business

The Executive Director requested the Board to consider PG & E pass-throughs which are to go into effect in 1983. This item will be calendared for early December.

XII. Calendar Items

The only calendar items are those which were already mentioned in the Minutes.

XIII. Adjournment

Commissioner Baird adjourned the meeting at 8:45 p.m.

11/10/82:db

City and County of San Francisco



**Residential Rent Stabilization and
Arbitration Board**

MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 16, 1982 at 5:30 p.m. at the State Building

350 McAllister St. #1195

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I. Call to Order

President Flynn called the meeting to order at 5:38

II. Roll Call

Commissioners Present: Baird, Chinchilla, Flynn, Payne

Commissioners not Present: Alviar, Anderson, Duggan, Fung, Saunders

Staff Present: Hernandez, Vitrano

Hearing Officers Present: Astle

Commissioner Curran appeared on the record at 5:41 p.m.

Commissioner Curran went off the record at 7:15 p.m.

III. Approval of Minutes

MSC: To approve the minutes of November 9, 1982 as corrected. Page 1 IV, consideration of Appeal, Item A should state that a written statement from both the landlord and tenant has been requested. (Baird/Payne: 5-0)

IV. Consideration of Appeals

A. 238 Shrader Street

Landlord appealed Hearing Officer Sheila Kurnetz's decision which involved a tenants' petition on a decrease in services. Tenant alleged that she had been provided a bicycle locker for storage and that facility had been taken away.

MSC: To deny this appeal. (Baird/Chinchilla: 4-1)

B. 450 Vicksburg Street

Tenant filed a petition challenging the owner occupied status of 450 Vicksburg. Hearing Officer Sheila Kurnetz ruled in favor of the landlord. Tenants appealed alleging that the landlord was unable to prove conclusively that he resides there on a continuous basis.

MSC: To deny the appeal. (Curran/Baird: 5-0)

C. 333 Ralston Street

Landlord appealed Hearing Officer Susan Blooms' decision on a tenants petition which alleged a failure to perform ordinary repair and maintenance and illegal eviction. The landlord claims the Hearing Officer abused her discretion.

MSC: To accept the appeal De Novo and remand it back to new Hearing Officer.
(Payne/Baird: 3-2, Curran/Flynn dissenting)

D. 2459 Larkin Street

To excuse Commissioner Payne from consideration of this appeal.

MSC: (Curran/Chinchilla: 4-0)

Landlord appealed Hearing Officer Herb Schwartz's decision primarily because a continuance was not granted. This is the second time this case has been before the Board, the first time the Board remanded the case de novo to a new Hearing Officer. Out of 11 tenants who were originally involved, two are still in the building.

MSC: To deny the appeal but to continue to investigate the matter. (Curran/Chinchilla: 4-0)

E. 2-14 Carl Street

This case involved a RAP loan and capital improvements. The landlord filed a petition asking the Board to set the rents. Tenants filed an appeal because the majority of work done on building were repairs not improvement, the formula used in determination was not applied uniformly to all units, and rent on apartment #6 was raised by RAP but no credit for overpayment was calculated by the Hearing Officer.

MSC: To remand this case back to original Hearing Officer for technical corrections.
(Baird/Curran: 5-0)

F. 3540/42 - 21st Street

Tenants appealed Hearing Officer Michael Rossoff's decision granting capital improvements and a 7% increase. The basis for the appeal centered on the Hearing Officer not taking into consideration the claim that the landlord has failed to do requested repairs and general maintenance.

MSC: To deny this appeal. (Payne/Chinchilla: 4-1, Baird dissenting)

G. 140 Graystone Terrace

- To consolidate the second Harriet Sheppard hearing with the current Janet Henley hearing and have the cases scheduled De Novo before the Board as quickly as possible.
(Baird/Payne: 4-1, Curran dissenting)

V. Communications

A. The Board received a letter from Wallace Wortman Director of Property at the Real Estate Department requesting a thirty day extension pertaining to certification of capital improvements made at 1334-36 Willard Street. Discussion ensued with the tenants over the issue of interest computation President Flynn will write a letter to the Real Estate Department on this matter.

Commissioner Payne requested from the Executive Director statistics on the number of certified capital improvement applications that have been filed this past year with the Real Estate Department. The Executive Director will report to the Board next week.

VI. Director's Report

A. The Executive Director reported on the background of this matter. The issue centers on whether or not individuals can file a petition protesting a rent increase that took effect over one year ago. Consideration on this matter will be held over until next week.

B. The Executive Director also reported on the status of the budget supplemental that has been requested.

VII. Old Business

A. Policy Directives

Two proposed policy directives written by Commissioner Curran were submitted. Consideration on these proposed directives will be held over for one week.

B. Ted McCalla from the Old Saint Mary's Housing Committee reported on the current status of the tenants of 3098 California Street. McCalla submitted a letter from the landlord's agent outlining reimbursements of legal fees paid to the tenants. McCalla also brought up the issue of other expenses that tenants incurred.

C. 3098 California Street

Final consideration on this matter was reviewed and discussed.

MSC: That no further action on this case needs to be taken at this time. (Baird/Payne: 4-0)

D. 665 Fillmore Street, #2

A notice of referral to the District Attorney was signed by Commissioner Baird.

E. 867 Fell Street, 2185 O'Farrell Street

A letter to the landlords stating that the files would be turned over to the District Attorney for investigation was signed by Commissioner Baird.

F. 2790 Pine Street

Final discussion on this case involving an alleged Wrongful Eviction centered on a letter written by the landlord's Attorney Steven Rosenthal.

MSC: To schedule a Board Hearing on the Report of Wrongful Eviction. (Baird/Chinchilla: 3-1)

VIII. Remarks from the Public

Dan Berko voiced concern over both the staff and the Board's handling of the case of Graystone Terrace. Jack Klein also spoke in regards to the Graystone Terrace case.

VIIII. Adjournment

President Flynn adjourned the meeting at 8:08 p.m.

11/17/82:db

City and County of San Francisco

Residential Rent Stabilization and
Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 23, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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3/82
I. Call to Order

Vice-President Saunders called the meeting to order at 5:35 p.m.

II. Roll Call

Commissioners Present: Alviar, Baird, Saunders
Alternates: Chinchilla, Curran, Duggan
Fung, Payne

Commissioners not Present: Anderson

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Staff Present: Hernandez, Lim

Hearing Officers Present: Castanon-Hill

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Commissioner Flynn appeared on the record at 6:00 p.m.

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III. Approval of Minutes

MSC: To approve the minutes of November 16, 1982 as corrected. Page 2, IV Consideration of Appeals, Item C shall be corrected to "MSC: To accept the appeal de novo." Page 2, Item D, line 2, shall read MSC: (Curran/Chinchilla: 5-0.) Page 2, Item E, line 6 shall be corrected to read apartment #8. (Baird/Alviar: 5-0.)

IV. Consideration of Appeals

A. 3101 Laguna St.

Landlord appealed Hearing Officer's decision which required landlord to issue a 30-day notice subsequent to the Rent Board decision. Hearing Officer granted an increase based upon capital improvements and a utility pass-through.

MSC: To deny this appeal. (Chinchilla/Fung: 5-0.)

B. 2360 Pacific Ave.

Landlord appealed Hearing Officer's decision which granted a reduction of \$445.00 in rent due to reductions in housing services. Landlord maintains there was a previous agreement between himself and tenant which resolved these problems.

MSC: To remand this case. (Baird/Alviar: 5-0.)

C. 3822- 19th St.

Tenant appealed Hearing Officer's decision which denied a decrease in housing services due to alleged noise caused by other tenants in the building. Hearing Officer found that the noise problem had ceased and that the issue was moot.

MSC: To deny this appeal. (Alviar/Fung: 5-0.)

D. 1119 Webster #2

Landlady appealed Hearing Officer's decision which granted a \$15 per month reduction in the tenant's rent to compensate for loss of a parking space, until tenant is able to resume full-time use of space.

MSC: To deny appeal but correct the dates in decision.
(Chinchilla/Alviar: 5-0.)

V. Communications

- A. The Board received a letter from Wallace Wortman of the Real Estate Department which gave a numerical breakdown of certified Capital Improvements. During the first five months of fiscal year '82 there were more certifications petitioned for than for the corresponding period in fiscal year '83.
- B. The Board was informed of a letter from the Golden Gate Hotel Association questioning the propriety of a Rent Board Hearing Officer's testifying at public hearings.
- C. The Board received a letter from an Alan Vogl asking for an exception to 6.11 of the Rules and Regulations. The Director will draft a letter informing Mr. Vogl that the Board does not issue advisory opinions and that he should file a petition.

VI. Director's Report

- A. The Executive Director reported on his meeting with Don Hesse of The Human Rights Commission regarding advice given to landlords on additional rent for the birth of children.

VII. Old Business

- A. Proposed Policy Directives on legal fees and use of calendar year for operating and maintenance expenses were adopted unanimously.
- B. The Executive Director will draft an explanation sheet on calculating the 6.10 & 6.11 formulas.
- C. A copy of the proposed Policy Directive on P.G.&E. pass throughs will be placed in everyone's packets for next week.

VIII. Calendar Items

- A. On November 30 at 6:00 p.m., there will be an eviction hearing on 2790 Pine Street.
- B. On December 7 at 6:00 p.m. there will be an appeal hearing for 333 Ralston. At 7:00 p.m. that same evening, there will be an appeal hearing for 140 Graystone.
- C. There will be a revised draft of the annual report on December 7.

IX. Remarks from the Public

- A. Mike Harney addressed the Board on the need for the Real Estate Department and the Rent Board to have a public hearing on Capital Improvements.
- B. Ted McCalla addressed the Board on correcting minutes of the previous week. Mr. McCalla submitted a listing of expenditures and wages lost, caused by Mr. Federal's actions, which was attached to a letter from landlord's attorney. Mr. McCalla had annotated the letter by stating that the reimbursement of tenants' out of pocket losses ^{sh} would not be limited to legal fees.
- C. Mr. Robert Kraehe addressed the Board on a reconsideration of his appeal, which was denied last week. The staff will re-examine the files and if a reconsideration is warranted, it will be re-noticed.

X. Adjournment

President Flynn adjourned the meeting at 6:40 p.m.

11/24/82:ap

City and County of San Francisco

Residential Rent Stabilization and Arbitration Board



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, November 30, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

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I. Call to Order

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President Flynn called the meeting to order at 5:35 p.m.

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II. Roll Call

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Commissioners Present: Anderson; Curran; Saunders; Flynn; Fung; Payne

Commissioners not Present: Chinchilla; Alviar

Staff Present: Hernandez; Kubota; Beaufait

Commissioner Duggan appeared on the record at 5:40 p.m. Commissioner Baird appeared on the record at 6:15 p.m.

III. Approval of Minutes

MSC: To approve the minutes of November 23, 1982 as corrected: page two, V. Communications, paragraph A, last sentence to read "During the first five months of fiscal year '82 there were more certifications petitioned for than for the corresponding period in fiscal year '83. Paragraph B to read, "The Board was informed of a letter from the Golden Gate Hotel Association questioning the propriety of a Rent Board Hearing Officer's testifying at public hearings. Item C under Old Business to read. "A copy of the proposed Policy Directive on P.G.&E pass throughs will be placed in everyone's packets for next week." (Saunders/Flynn: 5-0.)

IV. Consideration of Appeals

A. 1870 Washington St.

Landlord appealed Hearing Officer's decision which granted Tenant a rent rebate based on decreased services. Landlord maintains that notice of the hearing was sent to the wrong address.

MSC: To remand to new Hearing Officer.
(Flynn/Saunders: 5-0.)

B. 205 Collings St. #2

Landlord appealed Hearing Officer's decision which denied banking of \$26.60 for services rendered on a cumulative basis. Landlord maintains that the \$26.60 was never collected from the tenant.

MSC: To deny this appeal. (Curran/Flynn: 4-1.)
Hearing Officer Beaufait agreed to voluntarily make a technical correction of the base rent amount.

C. 1805 Pine St.

Landlord appealed Hearing Officer's decision which denied a reimbursement for capital improvements based on insufficient documentation.

MSC: To deny this appeal. (Curran/Anderson: 5-0.)

D. 353, 355, 357 Haight St.

Landlord appealed Hearing Officer's decision which limited amortization of a water service bill to one unit only. Landlord maintains that the bill should be distributed between all the units.

MSC: To deny this appeal and remand to the same Hearing Officer for technical corrections to distribute the water service bill equally between the units. (Curran/Flynn: 5-0.)

V. Communications

- A. A letter was received from John F. Ricci regarding the procedure of leaving the record open after the hearing for the purpose of receiving additional information.
- B. A letter was received from Robert D. Kraehe landlord at 238 Shrader Street seeking a reconsideration of an appeal previously denied. Landlord maintains that the decision does not address itself to the P.G.E. pass through issue.

MSC: To remand to same Hearing Officer for technical corrections to address P.G.E. issue and 7 percent rent increase date. (Flynn/Curran: 5-0.)

VI. Director's Report

- A. The Bay Guardian newspaper is currently working on two Rent Board related articles:

- i / painting as a capital improvement
- ii / lack of prosecution in Findings of Wrongful Eviction

VII. Consideration of Wrongful Evictions

1. 2790 Pine St.

Eugene Tom, appeared as counsel for tenant Marie Bailey; Steven Rosenthal appeared as counsel for the landlord Richard Morgese.

Landlord appealed Hearing Officer's finding of a wrongful eviction. Landlord maintains that there is no retaliatory action in this case but rather the presence of just cause and good faith.

MSC: To confirm Hearing Officer's finding of a Wrongful Eviction. (Curran/Flynn: 3-2.)

After entering into an Executive Session, it was decided that the Board would take no further action at this time on the matter.

VIII. Old Business

A. A review of the action previously taken by the Board re: the operating and maintenance figures for 2120 Pacific indicates that a re-consideration on the matter is warranted: hearing calendared for December 14, 1982.

MSC: To rescind decision of October 26, 1982 and to calendar for re-consideration. (Curran/Baird: 5-0.)

B. Policy Directive regarding permissible attorneys fees was presented for signature to the Board.

IX. New Business

A. The annual Christmas party will be held December 21, 1982, 6:00 p.m. at USF; plans are in operation.

B. Commissioner Anderson resigned her commission effective after notice to the Mayor.

X. Calendar Items

A. Commissioner Curran will meet with Hearing Officer Harriet Sheppard and staff on December 2, 1982 at 3:00 p.m. to discuss forthcoming Board hearing.

XI. Remarks from the Public

None

XII. Adjournment

President Flynn adjourned the meeting at 8:20 p.m.



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, December 7, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order

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President Flynn called the meeting to order at 5:40 p.m. DEC 10 1982

II. Roll Call

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Commissioners Present: Alviar, Anderson, Duggan, Saunders, Flynn,

Chinchilla, Curran, Payne

Commissioners not Present: Baird, Fung

Staff Present: Hernandez, Corman

III. Approval of Minutes

MSC: To approve the minutes of November 30, 1982 as corrected: Page one, IV. Consideration of Appeals, paragraph B., 205 Collings St. #2, to add "MSC: To accept appeal and remand for technical corrections. (Saunders/Flynn: 2-3.) Item B, under New Business to read that Commissioner Anderson resigned because she is leaving the Bay Area. (Saunders/Duggan: 5-0.)

IV. Consideration of Appeals

A. 314 Kearny St.

Landlord appealed Hearing Officer's decision which denied Landlord a 7 percent increase in rent and granted Tenants a rent rebate and reduction in rent based on decreased services.

MSC: To accept appeal and remand to same Hearing Officer to specifically assign what decrease(s) in services apply to each tenant with specific reference to the obligations contained in each Tenant's lease agreement regarding the services to be supplied by the Landlord; to state a specific rent for each Tenant, and to list what repairs to each unit must be made by the Landlord before the increase can be allowed. (Saunders/Duggan: 5-0.)

V. Reports of Wrongful Eviction

A. 970 Hampshire St., Apt. A; D4-32(E)

Tenant: Vermaine Campos

Landlord: Sacarias Mangabay

Tenant received a series of defective 30-day notices to vacate from the landlord and the landlord's attorney. All the notices failed to state any just cause for the tenant to vacate. The Hearing Officer found the landlord's actions to be wrongful.

Staff Recommendation: Adopt Hearing Officer's findings and take no further action unless notified by the tenant that landlord is continuing to attempt an eviction.

B. 2250 Fulton St. #2; D6-8(E)
Tenant: Daylene Wood
Landlord: Franc & Monique Foti

There has been a long history of notices to vacate and attempted rent increases between the parties here. The most recent notice to vacate alleged various grounds for terminating the tenancy. The Hearing Officer found that this was "most likely an unlawful eviction." It now appears that the landlord is no longer pursuing an eviction based on this notice.

Staff Recommendation: Adopt Hearing Officer's findings and take no further action.

C. 1572- 74 Howard St.; D2-33(E)
Tenants: Susan & Bert Smith
Landlord: Perry Acosta; Ming Vongnarath

These tenants and their neighbor, who died prior to the hearing, each received a notice to vacate on the grounds that the landlord wished to occupy the premises. The notices also stated that the rent would be increased to \$600 a month if the premises were not vacated. Previous complaints from other tenants have been filed against this landlord for the service of similar notices.

Staff Recommendation: Adopt the Hearing Officer's findings and send a warning letter.

D. 1275 California St. #4; D6-2(E)
Tenant: Alexander Marson
Landlord: Richard C. Shortall

Tenant, a gentleman in his 80's, protested a proposed rent increase from \$285.00 to \$500.00 in the late fall of 1981. In August 1982, landlord served a notice to vacate alleging he wanted to move into tenant's apartment. This was done even though there were other vacant units in the building. Tenant even offered to move into another unit, but the landlord refused to accept this. The Hearing Officer found that the landlord was not acting in good faith in attempting to evict the tenant.

Staff Recommendation: Adopt Hearing Officer's findings and send a warning letter to the landlord.

The Board requested a status report regarding this case prior to the sending of a letter to the landlord.

E. 1240- 7th Ave.; D6-40(E)
Tenants: Marlowe & Jeffrey Griffiths
Landlord: Dorothea Hardy

On August 31, 1982, tenants were served with a 30-day notice to vacate on the grounds that the landlady's sister and brother-in-law were going to occupy their unit. There had been a long history of eviction attempts prior to this time, none of which were successfully followed up by the landlady. In addition, this landlady had attempted to evict another tenant on dubious grounds within the last six months which the Board hold to be a wrongful eviction. The Hearing Officer found that the landlady was acting in bad faith. The tenants have now vacated the premises as has the other tenant who previously complained (Cynthia Naumann).

Staff Recommendation: To adopt Hearing Officer's findings and refer to the District Attorney.

The Board decided to defer any action at this time, and staff will follow-up to determine whether landlord's action in serving the notice to vacate was in good faith and with honest intent.

MSC: To accept the staff's recommendations as amended. (Saunders/Anderson: 5-0.)

VI. Communications

A. The Commissioners were all given invitations to the Christmas party on December 21.

VII. Director's Report

A. The Director gave the Commissioners showing comparable statistics from July 1979 to November 1982 on the filing of Tenant Petitions, Landlord Petitions, Appeals, Reports of Alleged Wrongful Eviction and Summary Petitions.

B. The Director informed the Commissioners of the situation developing at 2032 Mission Street regarding notices of rent increase and notices to vacate.

C. The Director informed the Commissioners of the unfavorable decision on the Writ of Mandate filed by the landlord regarding 535 Lake St.

VIII. Old Business

- A. The Commissioners signed the Policy Directive regarding the calculation of Operating and Maintenance expenses under Section 6.10 of the Rules and Regulations.
- B. The Commissioners voted to uphold the Director's decision not to accept petitions from former tenants at 1945 Pacific St.

MSC: To uphold the Director's decision. (Flynn/
Saunders: 5-0.)

- C. A discussion was begun regarding the staff explanation of the 75 percent CPI rule, but no conclusions reached by the Board.

IX. Appeal Hearing

- A. The Board held a hearing de novo on the Landlord's appeal of two decisions regarding 140 Graystone Terrace, #1 and #5 and 147 Crown Terrace #2 and #8.

Appearances were made by:

Margaret Schuller, Tenant of 147 Crown Terrace, #8
Morris Birnbaum; Tenant of 140 Graystone Terrace, #5
Neal Piliavin, 140 Graystone Terrace, #1
Jack and Elisa Klein, Landlords

The issue on appeal was whether landlords would be allowed an increase based on alleged expenditures for Capital Improvements. Testimony was taken from both the Landlords and Tenants regarding this.

The Board deferred any decision on the matters presented to the next meeting at the earliest.

X. Adjournment

President Flynn adjourned the meeting at 9:00 p.m.

12/8/82:ap



MINUTES OF THE REGULAR MEETING OF THE SAN FRANCISCO RESIDENTIAL RENT STABILIZATION AND ARBITRATION BOARD, Tuesday, December 14, 1982 at 5:30 p.m. at the State Building 350 McAllister St. #1195

I. Call to Order -

President Flynn called the meeting to order at 5:31 p.m.

II. Roll Call

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Commissioners Present: Baird, Flynn, Saunders

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Alternates: Chinchilla, Fung, Payne

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Commissioners not Present: Anderson, Duggan

Staff Present: Hernandez, Wolf

Commissioner Curran appeared on the record at 5:40 p.m.

Commissioner Alviar appeared on the record at 5:45 p.m.

III. Approval of Minutes

MSC: To approve the minutes of December 7, 1982 as corrected: Page 3, VII Director's Report, Item A shall read "The Director gave the Commissioners a report showing comparable statistics...." Page 1, line 3 shall be corrected to read MSF instead of MSC. Page 3, second sentence shall be corrected to add: "If the eviction action has not been withdrawn, a very strong letter shall be sent to the landlord." (Saunders/Chinchilla 5-0)

IV. Consideration of Appeals

A. 75 Gough Street

Landlord appealed Hearing Officer's decision granting landlord an increase based on capital improvements, and granting tenant a rent rebate based upon a failure to repair and resulting decrease in housing services.

MSC: To accept this appeal on the record and remand this case to the same Hearing Officer with instructions to strike the rent reduction. (Baird/Chinchilla 5-0)

B. 1960 Pierce Street

Landlord appealed Hearing Officer's decision which granted an increase based on capital improvements but corrected the amortization schedule used by landlord; denied landlord's PG & E pass-through in 1982 due to the fact that there had been no pass-through in 1981; and granted tenant a rent reduction due to landlord's failure to repair.

MSC: To accept this appeal at the Board level and hold a hearing de novo. (Saunders/Baird 5-0)

C. 947 Geary Blvd.

Landlord appealed Hearing Officer's decision granting a substantial rent reduction based on decreased housing services.

MSC: To remand this case to a new Hearing Officer. (Alviar/Flynn 5-0)

D. 2713 Sacramento Street

Landlord appealed Hearing Officer's decision which denied an increase based on capital improvements due to insufficient documentation and the fact that the proposed increase would be the second within a one year period.

MSC: To deny this appeal. (Saunders/Baird 5-0)

E. 1339 -47th Ave.

Landlord appealed Hearing Officer's decision which granted tenants a rent reduction due to a decrease in housing services; tenants have since vacated the unit.

MSC: To deny this appeal. (Alviar/Saunders 5-0)

V.

Appeal Hearing

A. 2120 Pacific Ave.

This hearing was held in order to reconsider a decision rendered by the Board on October 26, 1982. The reason for this re-hearing was that the Board erred in not considering debt service, even though no evidence of debt service was offered by the landlord; and that it was not the intent of the Board to allow the landlord to pass on the costs of renovating vacant apartments. Appearing on behalf of the landlord were Debora Hinz and Richard Gregersen; tenant Arthur Levenson appeared and represented himself. Landlords submitted a revised schedule of operating and maintenance expenses (Landlord's exhibit 1), which deleted expenses for renovating vacant apartments and for costs of legal representation before the Rent Board. It was pointed out that the landlords had erred, to their disadvantage, in calculating the amounts specified on schedule A.

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Landlords chose to use a non-calendar year comparison period for calculating the increase in their operating expenses. As they did not purchase the building until August of 1980, the increase was over the previous owner's debt service. As the Board had previously allowed this landlord an increase based on their prospective debt service, Board members felt using the same 6 month period would produce an inequitable result. Therefore, the landlord chose to withdraw their petition and appeal and accept only the 7% increase. The Board granted landlord's request to withdraw the appeal.

VI. Communications

- A. The Commissioners were given invitations to the Christmas Party of Attorneys Robert Sheppard and Robert De Vries on December 17th.
- B. The Commissioners were given copies of the amendments to the RAP Ordinance that will be discussed at the Planning, Housing and Development Committee on December 21st. The Executive Director reported that in his opinion, the proposed changes are not major although they would allow tenants in the north of Market area to protest their base rent to the Rent Board.
- C. The Commissioners were provided with a copy of Supervisor Kopp's proposed legislation regarding tax relief for landlords and tenants, which was not introduced on December 13th as had been planned.
- D. A letter from Wallace Wortman of the Real Estate Department was introduced; President Flynn will clarify the allowable amortization periods for interest on loans for capital improvements.
- E. The Board was informed in a memo to City Attorney Pennypacker that Dr. Peter Bullock has filed a Writ of Mandate requesting a new hearing plus fees and costs and maintaining once again that his property should be exempt from the Rent Ordinance on the basis of substantial rehabilitation.

VII. Director's Report

There was no Director's Report.

VIII. Old Business

- A. The Executive Director requested clarification as to how PG & E pass-through's for the coming year are to be handled. The Commissioners will discuss clarification of the PG&E pass through.
- B. A letter will be received from the Hotel Owner's Association requesting clarification regarding vacancy control due to an erroneous memo being circulated by tenant Julian Lagos.
- C. Upon request from Charles Schultz of the Real Estate Department, the Commissioners voted to put section 9.17 back into the Rules and Regulations as the section had been erroneously deleted.
(Baird/Alviar 5-0)

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- D. The sheet explaining the formula for calculating 6.10 and 6.11 formulas will be given out to the public upon request.
- E. The Board President introduced calculations regarding the appeal hearing held by the Board on December 7th regarding 140 Graystone Terrace and 147 Crown Terrace.

MSC: To consolidate all appeals on these properties into one decision; to accept the rental amounts arrived at by Commissioner Flynn; and to uphold the Hearing Officers in all other respects.
(Baird/Saunders 5-0)

- F. The issue of capital improvements will be examined in depth at a later date; on January 4th the Board will discuss the need for a public hearing and schedule one if necessary.

IX.

New Business

- A. The Board addressed the question of separate metering of PG & E: If a tenant is required to pay for their own PG & E when this expense had previously been paid by the landlord, they can file a petition requesting a rent reduction and/or the notice informing them of this change can be considered null and void as this does constitute a rent increase.

X.

Calendar Items

- A. There will be an appeal hearing on 1960 Pierce Street on January 4, 1983. There will be no Board meetings until that date.

XI.

Adjournment

President Flynn adjourned the meeting at 8:00 p.m.

